
This is a reproduction of a library book that was digitized by Google as part of an ongoing effort to preserve the information in books and make it universally accessible.

GoogleTM books

<https://books.google.com>



HT
1162
.G7
v. 2

MICHIGAN STATE UNIVERSITY LIBRARIES



3 1293 01106 2324

LIBRARY
Michigan State
University

JUN 29 1966

10

108012
AUG 23 2006

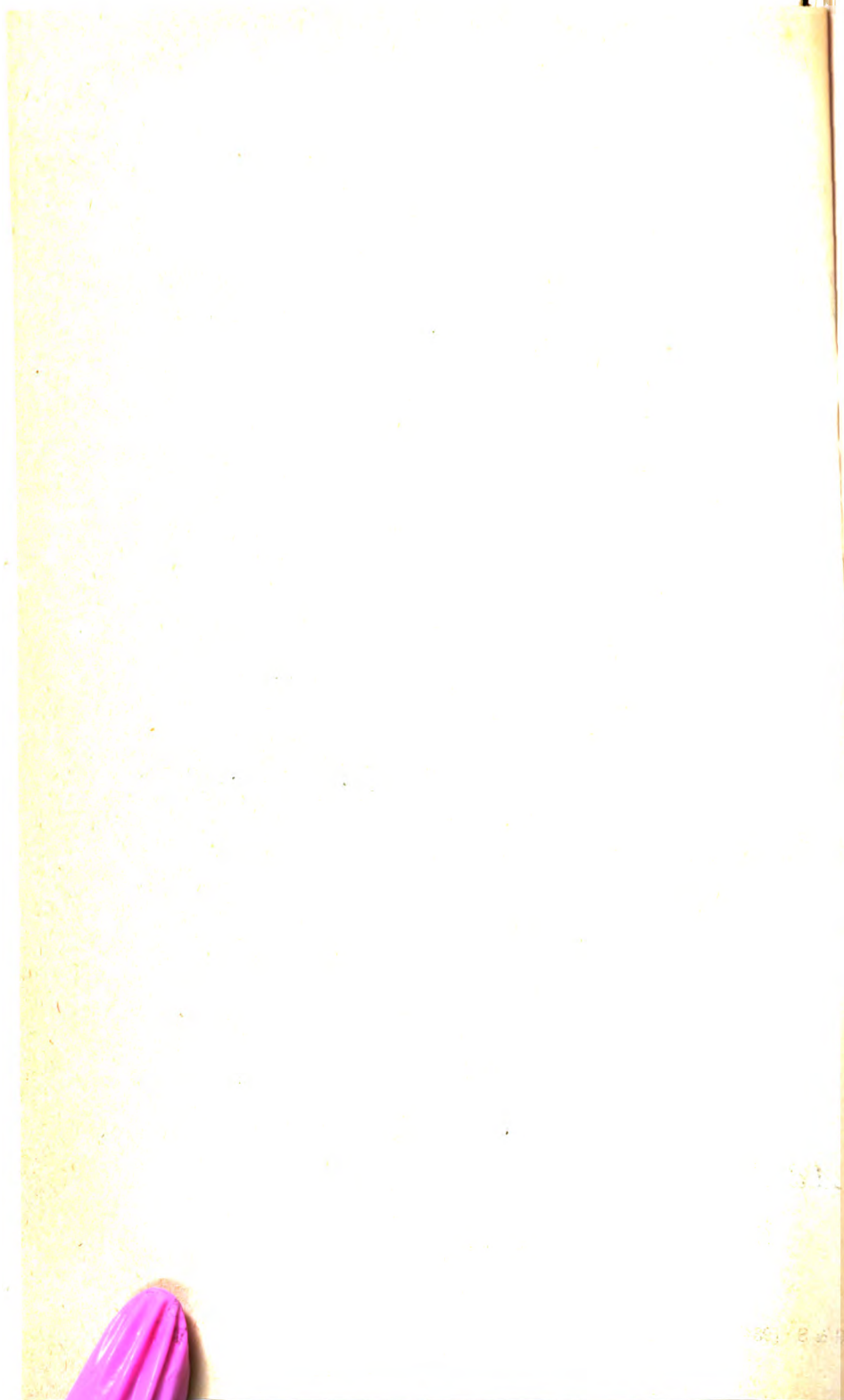
ISSUED BY AUTHORITY.

By Command of their Lordships,

EVAN MACGREGOR.

Admiralty,

22nd September, 1892.



INSTRUCTIONS
FOR THE GUIDANCE
OF THE
CAPTAINS AND COMMANDING OFFICERS
OF HER MAJESTY'S SHIPS OF WAR
EMPLOYED IN
THE SUPPRESSION OF THE SLAVE
TRADE.

VOL. II.



LONDON:
PRINTED FOR HER MAJESTY'S STATIONERY OFFICE,
BY HARRISON AND SONS, ST. MARTIN'S LANE.
PRINTERS IN ORDINARY TO HER MAJESTY.

1892.

(Wt. 5702 500 6 | 92—H & S 6047.)

CONTENTS.

Treaties with States, other than those whose institutions admit of domestic Slavery, who are not parties to the Brussels Act, and Special Instructions in regard thereto.

	PAGE
Argentine Confederation	1
Bolivia	25
Borneo	49
Brazil	52
Chile	55
Colombia	82
Costa Rica	83
Dominica	84
Equator	86
Hayti	113
Liberia	120
Mexico	123
New Granada	143
Uruguay	156
Venezuela	192

TREATIES WITH FOREIGN POWERS AND SPECIAL INSTRUCTIONS IN REGARD THERETO.

ARGENTINE CONFEDERATION.

The Treaty Engagements in force between Great Britain and the Argentine Confederation for the Suppression of the Slave Trade, to which your attention is particularly directed, are :—

The Treaty, dated the 24th of May, 1839, and the Annexes A., B., and C. thereto ;
The Additional Articles thereto of the same date.

The Treaty does not prescribe any limits within which you are authorised to exercise the powers of Visit, Search, and Detention over Argentine Vessels.

If you have reason to suspect that a Vessel sailing under the Escort or Convoy of an Argentine Cruizer is engaged in or equipped for the Slave Trade, you will communicate your suspicions to the Commander of the Convoy, and offer to accompany him in a Visit to the suspected Vessel. If your suspicions prove to be well founded, the right to take further proceedings with respect to the Vessel will rest with the Commander of the Convoy ; but, should he decline to exercise the right, you will, on obtaining his consent, but not otherwise, detain her, provided that the Vessel is, by reason of her Nationality, subject to your Authority. In like manner, if a Commander of an Argentine Ship, duly authorised under the Treaty, communicates to you his suspicions that a Vessel under your Convoy is engaged in or equipped for the Slave Trade, you will invite him to accompany you on a visit to the

Treaty,
Art. IV. 3.

(VOL. II.)

B

suspected Vessel; and you will take care that the Visit is conducted in a strict and satisfactory manner. In the event of the suspicions proving well founded, you will detain the Vessel, provided that, by reason of her Nationality, she is subject to your Authority. You will by the first opportunity send a full Report of the Case, together with your own remarks thereon, to the Senior Officer of your Division, and a Duplicate thereof to the Secretary of the Admiralty.

Annex A.
Art. II.

The Visit and Search of an Argentine Vessel shall not be made by an Officer of a Rank lower than that of Lieutenant, unless he is at the time second in command of the Ship.

Annex A.
Art. I.

The Authority for the Visit and Search of an Argentine Vessel is the Copy of Annex A. to the Treaty which you will find at page 10.

Annex A.
Art. III.

Copies of the Certificates, Nos. 3 and 4* respectively, required to be made on the detention of a Vessel, shall be delivered to the Master.

Treaty.
Art. VI.

The proper Port of Adjudication for an Argentine Vessel is Sierra Leone, that being at present the only Port at which there is a Mixed Court of Justice established in pursuance of the Treaty.

Annex A.
Art. IV.

A copy of the Certificate No. 9,* required to be made on the removal of any Person or Article from the Detained Vessel, shall be inserted on her Log Book.

Annex A.
Art. IV.

The slaves shall not be landed at the Port of Adjudication until permission has been obtained from the Mixed Court of Justice.

* See Appendix to General Instructions, Vol. I, page 21.

ARGENTINE CONFEDERATION.

— —

TREATY* between HER MAJESTY and the ARGENTINE CONFEDERATION for the Abolition of the Slave Trade.
Signed at Buenos Ayres, May 24, 1839.

Treaty between Great Britain and the Argentine Confederation for the Abolition of the Traffic in Slaves.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Argentine Confederation, being equally animated by a sincere desire to co-operate for the utter extinction of the infamous and piratical traffic in slaves, have resolved to conclude a Treaty for the special purpose of attaining this object, so far as relates to the total and final abolition of the slave trade in the Argentine Confederation; and have respectively named for this purpose, as their plenipotentiaries, to wit, John Henry Mandeville, Esq., Her said Majesty's Minister Plenipotentiary to the United Provinces of the Rio de la Plata, and Señor Don Felipe de Arana, Minister for Foreign Affairs and Member of the Council; who, having duly communicated to each other their respective full powers, and found them to be in proper form, have agreed upon and concluded the following Articles:—

ARTICLE I.

The slave trade having been legally abolished throughout the territories of the Argentine Confederation, is hereby declared to be henceforward and for ever totally prohibited to all the citizens of the said republic, in all parts of the world.

ARTICLE II.

The Argentine Confederation hereby engage, that immediately after the exchange of the ratifications of the present Treaty, and from time to time afterwards, as may become needful, they will take the most effectual

* Confirmed by Act of Parliament, 5 & 6 Vict. c. 40.
(VOL. II.)

measures for preventing the citizens of the said republic from being concerned, and the flag of that republic from being used, in carrying on in any way the trade in slaves; and the said republic especially engages that, within two months after the above-mentioned exchange of ratifications, they will renew the promulgation, throughout the territory of the republic, of the penal law by which the slave trade has been declared piracy; and that the punishment attached to piracy shall be inflicted on all those citizens who shall, under any pretext whatever, take any part whatever in the traffic of slaves.

ARTICLE III.

In order more completely to accomplish the object of the present Treaty, the two High Contracting Parties mutually consent that those ships of their navies respectively which shall be provided with special instructions for that purpose, as herein-after mentioned, may visit such merchant vessels of the two nations as may, upon reasonable grounds, be suspected of being engaged in the traffic in slaves, or of having been fitted out for the purposes thereof, or of having, during the voyage in which they are met with by the said cruisers, been engaged in the traffic in slaves, contrary to the provisions of this treaty, and that such cruisers may detain, and send or carry away, such vessels, in order that they may be brought to trial in the manner herein-after agreed upon.

ARTICLE IV.

In order to regulate the mode of carrying the provisions of the preceding article into execution, it is agreed: *First*, that all ships of the navies of the two nations, which shall hereafter be employed to prevent the traffic in slaves, shall be furnished by their respective Governments with a copy, in the English and Spanish languages, of the present treaty; of the instructions for cruisers annexed thereto, letter A.; and of the regulations for the Mixed Courts of Justice, annexed thereto, letter B.; which annexes shall be considered as integral parts of the Treaty.

Secondly.—That each of the High Contracting Parties shall, from time to time, communicate to the other the

names of the several ships which have been furnished with such instructions, the force of each ship, and the names of their several commanders.

Thirdly.—That if, at any time, there shall be just cause to suspect that any merchant vessel, sailing under the flag of either nation, and proceeding under the convoy of any ship or ships of war of either of the Contracting Parties, is engaged, or is intended to be engaged, in the traffic in slaves, or is fitted out for the purposes thereof, or has, during the voyage on which she may be met with, been engaged in the traffic in slaves, it shall be lawful for the commander of any ship of the Royal Navy of Great Britain, or of the navy of the Argentine Confederation, furnished with such instructions as aforesaid, to communicate his suspicions to the commander of the convoy, who, accompanied by the commander of the cruiser, shall proceed to the search of the suspected vessel; and in case the suspicions appear well founded, according to the tenor of this Treaty, then the said vessel shall be conducted or sent to one of the points where the Mixed Courts of Justice are stationed, in order to undergo the sentence applicable to the case.

Fourthly.—It is further mutually agreed, that the commanders of the ships of the two navies respectively, who shall be employed on this service, shall adhere strictly to the exact tenor of the aforesaid instructions.

ARTICLE V.

As the two preceding articles are entirely reciprocal, the two High Contracting Parties engage mutually to make good any losses which their respective subjects or citizens may incur by the arbitrary and illegal detention of their vessels; it being understood that this indemnity shall invariably be borne by the Government whose cruiser shall have been guilty of such arbitrary and illegal detention. It is further agreed, that the visit and detention of vessels specified in the third article of this Treaty shall be effected only by those British or Argentine ships which may form part of the navies (royal and national) respectively of the two High Contracting Parties to this Treaty, and by such ships only of those navies as shall be provided with the special instructions annexed to the present Treaty.

The compensation for damages mentioned in this article shall be made within the term of one year, reckoned from the day on which the Mixed Court of Justice pronounces sentence on the vessel for the detention of which such compensation is claimed.

ARTICLE VI.

In order to bring to adjudication, with as little delay and inconvenience as possible, vessels which may be detained according to the tenor of the third article of this Treaty, there shall be established, within the space of a year at furthest from the exchange of the ratifications of the present Treaty, two Mixed Courts of Justice, formed of an equal number of individuals of the two nations, named for this purpose by the two High Contracting Parties respectively.

These courts shall reside, one in a possession belonging to Her Britannic Majesty, the other within the territories of the Argentine Confederation; and the two Governments, at the period of the exchange of the ratification of the present Treaty, shall declare, each for its own territories, in what places the said courts shall respectively reside: each of the the two High Contracting Parties reserving to itself the right of changing, at its pleasure, the place of residence of the court held within its own territories, provided, however, that one of the two courts shall always be held upon the coast of Africa, and the other in the territory of the Argentine Confederation.

These courts shall judge the causes submitted to them according to the provisions of the present Treaty, without an appeal, and in conformity with the regulations and instructions which are annexed to the present Treaty, and which are considered as forming an integral part thereof.

ARTICLE VII.

If the commanding officer of any of those ships of the navies of Great Britain and of the Argentine Confederation respectively, which shall be duly provided with instructions according to the provisions of the third article of this Treaty, shall deviate in any respect from the stipulations of the said Treaty, or from the

instructions annexed to it, the Government which shall conceive itself to be wronged thereby shall be entitled to demand reparation; and in such case the Government to which such commanding officer may belong binds itself to cause inquiry to be made into the subject matter of the complaint, and to inflict upon the said officer a punishment proportioned to any wilful transgression which he may have committed.

ARTICLE VIII.

It is hereby further mutually agreed, that every merchant vessel, British or Argentine, which shall be visited by virtue of the present Treaty, may lawfully be detained, and be sent or brought before the Mixed Courts of Justice established in pursuance of the provisions thereof, if in her equipment there shall be found any of the things herein-after mentioned, namely:—

Firstly.—Hatches with open gratings, instead of the close hatches which are usual in merchant vessels.

Secondly.—Divisions or bulkheads in the hold or on deck, in a greater number than are necessary for vessels engaged in lawful trade.

Thirdly.—Spare plank fitted for being laid down as a second or slave deck.

Fourthly.—Shackles, bolts, or handcuffs.

Fifthly.—A larger quantity of water, in casks or in tanks, than is requisite for the consumption of the crew of the vessel as a merchant vessel.

Sixthly.—An extraordinary number of water casks, or of other receptacles for holding liquid, unless the master shall produce a certificate from the custom house at the place from which he cleared outwards, stating that sufficient security had been given by the owners of such merchant vessels that such extra quantity of casks, or of other receptacles, should only be used for the reception of palm oil, or for other purposes of lawful commerce.

Seventhly.—A greater quantity of mess tubs or kids than is requisite for the use of the crew of the vessel as a merchant vessel.

Eighthly.—A boiler or other cooking apparatus of an unusual size, and larger, or fitted for being made larger, than requisite for the use of the vessel as a merchant vessel; or more than one boiler or other cooking apparatus of the ordinary size.

Ninthly.—An extraordinary quantity of rice ; of the flour of Brazil, manioc, or *casáda*, commonly called *farina* of maize ; of Indian corn ; or of any other article of food whatever, beyond what might probably be requisite for the use of the crew of the vessel ; such rice, flour, maize, Indian corn, or other article of food not being entered on the manifest as part of the cargo for trade.

Tenthly.—A quantity of mats or matting greater than is necessary for the use of the crew of the vessel as a merchant vessel.

Any one or more of these several things, if proved to have been found on board, shall be considered as *primâ facie* evidence of the actual employment of the vessel in the slave trade ; and the vessel shall thereupon be condemned and be declared lawful prize, unless clear and incontestable evidence on the part of the master or owners shall establish, to the satisfaction of the court, that such vessel was, at the time of her detention or capture, employed in some legal pursuit, and that such of the several things above enumerated as were found on board her at the time of her detention, or which had been put on board her on the voyage on which she was proceeding when captured, were needed for legal purposes on that particular voyage.

ARTICLE IX.

If any of the things specified in the preceding article shall be found in any merchant vessel, no compensation for losses, damages, or expenses, consequent upon the detention of such vessel, shall in any case be granted, either to her master or to her owner, or to any other person interested in her equipment or lading, even though the Mixed Courts of Justice should not pronounce any sentence of condemnation in consequence of her detention.

ARTICLE X.

It is hereby agreed between the two High Contracting Parties, that in all cases in which a vessel shall be detained under this Treaty, by their respective cruisers, as having been engaged in the slave trade, or as having been fitted-out for the purposes thereof, and shall consequently be adjudged and condemned by the Mixed

Courts of Justice to be established as aforesaid, the said vessel shall, immediately after condemnation, be broken up entirely, and shall be sold in separate parts after having been so broken up.

ARTICLE XI.

The negroes who are found on board of a vessel which has been detained by a cruizer, and has been condemned by the Mixed Courts of Justice, in conformity with the stipulations of this Treaty, shall be placed at the disposal of the Government whose cruizer made the capture, on the distinct understanding that they shall be immediately set at liberty, and shall be thenceforward kept free. The two High Contracting Parties respectively guarantee the full and permanent liberty of such negroes ; and with a view of ensuring the due execution of the Treaty in this respect, they each engage to afford from time to time, and whenever required to do so by the other High Contracting Party, the fullest information as to the state and condition of such negroes.

The regulations, letter C., annexed to this Treaty, as to the treatment of negroes liberated by sentence of the Mixed Courts of Justice, are declared to form an integral part of this Treaty.

The two High Contracting Parties reserve to themselves the right to alter or suspend by common consent, but not otherwise, the terms of the regulations.

ARTICLE XII.

The Annexes to this Treaty, which it is mutually agreed shall form an integral part thereof, are as follows :—

A. Instructions for the ships of the navies of both nations employed to prevent the traffic in slaves.

B. Regulations for the Mixed Courts of Justice, which are to hold their sittings on the coast of Africa, and in one of the possessions of the Argentine Republic.

C. Regulations for the treatment of liberated negroes.

ARTICLE XIII.

The present Treaty, consisting of thirteen articles, shall be ratified, and the ratifications thereof shall be

exchanged at Buenos Ayres, as soon as possible within the space of eight months from this date.

In witness whereof the respective plenipotentiaries have signed, in duplicate originals, English and Spanish, the present Treaty, and have thereunto affixed the seal of their arms.

Done at Buenos Ayres, this twenty-fourth day of May in the year of our Lord one thousand eight hundred and thirty-nine.

(L.S.) J. H. MANDEVILLE.

ANNEX A. to the TREATY between GREAT BRITAIN and the ARGENTINE CONFEDERATION for the Abolition of the Slave Trade of the Argentine Confederation.

Instructions for the Ships of the British and Argentine Navies employed to prevent the Traffic in Slaves.

ARTICLE I.

The commander of any ship belonging to the navy of Her Britannic Majesty or of the Argentine Confederation, which shall be furnished with these instructions, shall have a right to visit, search, and detain any British or Argentine merchant vessel which shall be actually engaged, or which shall be suspected to be engaged, in the slave trade, or to be fitted out for the purposes thereof, or to have been engaged in the traffic in slaves during the voyage in which she may be met with by such ship of the British or Argentine navy; and such commander shall thereupon bring or send such merchant vessel, as soon as possible, for judgment before that Mixed Court of Justice established in virtue of the seventh article of the said Treaty which shall be the nearest to the place of detention, or which such commander shall, upon his own responsibility, think can be soonest reached from such place.

ARTICLE II.

Whenever a ship of either of the said navies, duly authorised as aforesaid, shall meet a merchant vessel liable to be visited under the provisions of the said Treaty, the search shall be conducted in the mildest

manner, and with every attention which ought to be observed between allied and friendly nations; and the search shall in all cases be made by an officer holding a rank not lower than that of a lieutenant in the navy of Great Britain or in that of the Argentine Republic respectively (unless the command shall, by reason of death or otherwise, be held by an officer of inferior rank), or by the officer who at the time shall be second in command of the ship by which the search is made.

ARTICLE III.

The commander of any ship of the two navies, duly authorised as aforesaid, who may detain any merchant vessel in pursuance of the present instructions, shall leave on board the vessel so detained the master, the mate or boatswain, and two or three, at least, of the crew thereof, the whole of the slaves, if any, and all the cargo.

The captor shall at the time of detention draw up in writing an authentic declaration, which shall exhibit the state in which he found the detained vessel; and such declaration shall be signed by himself, and shall be given in or sent, together with the captured vessel, to the Mixed Court of Justice before which such vessel shall be carried or sent for adjudication.

The captor shall deliver to the master of the detained vessel a certified list of the papers seized on board the same, as well as a statement of the number of slaves found on board at the moment of detention.

In the authenticated declaration which the captor is hereby required to make, as well as in the certified list of the papers seized, he shall insert his own name, the name of the capturing ship, the latitude and longitude of the place where the detention shall have taken place, and the number of slaves found on board the vessel at the time of detention.

The officer in charge of the vessel detained shall, at the time when he brings the vessel's papers into the Mixed Court of Justice, deliver into the Court a paper, signed by himself, and verified on oath, stating any changes which may have taken place in respect to the vessel, her crew, the slaves (if any), and her cargo, between the period of her detention and the time of delivering in such paper.

ARTICLE IV.

The slaves shall not be disembarked till after the vessel which contains them shall have arrived at the place of adjudication; and even after the vessel has arrived at such place they shall not be landed without the permission of the Mixed Court of Justice.

But if urgent reasons, deduced from the length of the voyage, from the state of health of the slaves, or from other causes, should require that either the whole or a portion of the negroes should be disembarked or be transhipped before the vessel can arrive at the place at which one of the said courts is established, or after her arrival there and before adjudication, the commander of the capturing ship may take upon himself the responsibility of so disembarking or transhipping the negroes, provided that such necessity, and the causes thereof, be stated in a certificate in proper form, and that this certificate be entered at the time on the log-book of the detained vessel.

The undersigned plenipotentiaries have agreed, in conformity with the twelfth article of the Treaty signed by them on this day, the twenty-fourth day of May one thousand eight hundred and thirty-nine, that the preceding instructions, consisting of four articles, shall be annexed to the said Treaty, and shall be considered as an integral part thereof.

The twenty-fourth day of May one thousand eight hundred and thirty-nine.

(L S.) J. H. MANDEVILLE.

ANNEX B. to the TREATY between GREAT BRITAIN and the ARGENTINE CONFEDERATION for the abolition of the Slave Trade of the Argentine Confederation.

Regulations for the Mixed Courts of Justice which are to reside on the Coast of Africa and in the Possessions of the Argentine Confederation.

ARTICLE I.

The Mixed Courts of Justice to be established under the provisions of this Treaty, of which these regulations

are declared to be an integral part, shall be composed in the following manner: Each of the two High Contracting Parties shall name a judge and an arbitrator, who shall be authorised to hear and to decide, without appeal, all cases of the capture or detention of vessels which, in pursuance of the stipulations of the aforesaid Treaty, shall be brought before them. The judges and the arbitrators shall, before entering upon the duties of their office, respectively make oath before the principal magistrate of the places in which such courts respectively shall reside, that they will judge fairly and faithfully; that they will have no preference either for the claimants or the captors; and that in all their decisions they will act in pursuance of the stipulations of the aforesaid Treaty.

There shall be attached to each of such courts a secretary or registrar, who shall be appointed by the Government of the country within whose territories such court shall reside. Such secretary or registrar shall register all the acts of such court, and shall, before he enters upon his office, make oath before the court to which he is appointed, that he will conduct himself with due respect for its authority, and will act with fidelity and impartiality in all matters relating to his said office.

The salary of the secretary or registrar of the court to be established on the coast of Africa shall be paid by Her Britannic Majesty, and that of the secretary or registrar of the court to be established in the possessions of the Argentine Confederation shall be paid by the Government of that republic.

Each of the Governments shall defray half of the aggregate amount of the incidental expenses of such courts.

ARTICLE II.

The expenses incurred by the officer charged with the reception, maintenance, and care of the detained vessel, slaves, and cargo, and with the execution of the sentence, and all disbursements occasioned by bringing the vessel to adjudication, shall, in case of condemnation, be defrayed out of the funds arising from the sale of the materials of the broken-up vessel, of the ship's stores, and of such parts of the cargo as shall consist of mer-

chandise; and in case the proceeds arising from this sale should not prove sufficient to defray such expenses, then the deficiency shall be made good by the Government of the country within whose territories the adjudication shall have taken place.

If the detained vessel shall be released, the expenses occasioned by bringing her to adjudication shall be defrayed by the captor, excepting in the cases specified and otherwise provided for by Article IX. of the Treaty to which these regulations form an annex, and by Article VII. of these Regulations.

ARTICLE III.

The Mixed Courts of Justice are to decide upon the legality of the detention of such vessels as the cruisers of either nation shall, in pursuance of the said Treaty, detain.

These courts shall judge, definitively and without appeal, all questions which shall arise out of the capture and detention of such vessels.

The proceedings of these courts shall take place with as little delay as possible; and for this purpose the courts are required to decide each case, as far as may be practicable, within the space of twenty days, to be dated from the day on which the detained vessel shall have been brought into the port where the deciding court shall reside.

If, in consequence of such proceedings, the vessel whose case is brought before the court shall be found to be employed in the slave trade, or to have been fitted out for the purposes thereof, such vessel, her cargo of merchandise, and her equipments, shall be condemned by the court, and shall be declared lawful prize; and any slaves who may have been put on board such vessel for the purposes of traffic shall be emancipated.

The final sentence shall not in any case be delayed beyond the period of two months, either on account of the absence of witnesses or for any other reason, except upon the application of any of the parties interested, in which case, if such party or parties shall give satisfactory security that they will take upon themselves the expense and risks of the delay, the courts may, at their discretion, grant an additional delay, not exceeding four months.

Either party shall be allowed to employ such counsel as he may think fit to assist him in conducting his cause. All the essential parts of the proceedings of the said courts shall be written down in one Act, in the language of the country in which the courts shall respectively reside.

ARTICLE IV.

The form of the process shall be as follows:—The judges appointed by the two Governments respectively shall, in the first place, proceed to examine the papers of the detained vessel, and to take the depositions of the master or commander, and of two or three, at least, of the principal individuals on board such vessel, as well as the declaration on oath of the captor, should such declaration appear to be necessary in order to enable them to judge and to pronounce whether the said vessel has been justly detained or not, according to the stipulations of the aforesaid Treaty.

In the event of the two judges not agreeing as to the sentence which they ought to pronounce with respect to the legality of the detention of any vessel, as to the liability of the vessel to compensation, as to the compensation to be allowed to the owners, or as to any other question which may arise out of any capture, or if any difference of opinion should arise between them as to the mode of proceeding in the said court, they shall, in any such case, draw by lot the name of one of the two arbitrators appointed as is stated in Article I. of this annex; and the arbitrator whose name shall be so drawn shall, after he has considered the proceedings which have taken place, consult with the two above-mentioned judges, and the final sentence or decision shall be pronounced in conformity with the opinion of the majority of the three.

ARTICLE V.

If the detained vessel shall be restored by the sentence of the court, the vessel and the cargo, in the state in which they shall then be found, shall forthwith be given up to the master, or to the person who represents him; and such master or other person may, before the same court, claim to have a valuation made, in order to ascertain the amount of the damages to which he shall be

entitled. The captor himself, and, in his default, his Government, shall remain responsible for the damages which may definitively be pronounced to be due to the master of such vessel, or to the owners of the vessel or of her cargo.

The two High Contracting Parties bind themselves to pay, within the term of a year from the date of the sentence, the costs and damages which may be awarded by the aforesaid Court; it being mutually understood and agreed, that such costs and damages shall be made good by the Government of the country of which the captor shall be a subject or citizen.

ARTICLE VI.

If a detained vessel shall be condemned, she shall be declared lawful prize, together with her cargo, whatever it may be, with the exception of the slaves who shall have been found on board; and the said vessel, in conformity with the regulations in Article X of the Treaty of this date, shall, as well as her cargo, be sold by public sale, for the profit of the two Governments, subject to the payment of the expenses herein-before mentioned.

Each slave shall receive from the Court a certificate of emancipation, and shall be delivered over to the Government to whom belongs the cruiser which made the capture, to be dealt with according to the regulations and conditions contained in the annex to this Treaty, letter C.

ARTICLE VII.

The commander and the crew of a vessel condemned under this Treaty, and all persons found on board who shall have been accomplices in her slave trade undertaking, shall, on condemnation of the vessel, be sent as prisoners to the nearest settlement of the country of which they are subjects or citizens, and shall be there delivered over to the authorities of the place, to be tried according to the laws of their country for the offences which they have committed against those laws. The commander of the cruiser which made the capture of the vessel shall, on the requisition of the members of the Mixed Courts of Justice, take charge of the commander, the crew, and accomplices on board of the captured

vessel, and shall convey them and deliver them over as before mentioned.

The charges incurred for the support and return voyage of the commander, the crew, and the accomplices thus sent as prisoners, shall be defrayed by the Government of which they are the subjects or citizens.

ARTICLE VIII.

The Mixed Courts of Justice shall also take cognisance of, and shall decide definitely and without appeal, all claims for compensation on account of losses occasioned to vessels and cargoes which shall have been detained under the provisions of this Treaty, but which shall not have been condemned as legal prize by the said courts; and in all cases wherein restitution of such vessels and cargoes shall be decreed (save as mentioned in a subsequent part of these Regulations, and in Article IX. of the Treaty to which these Regulations form an annex), the Court shall award to the claimant or claimants, or to his or their lawful attorney or attorneys, for his or their use, a just and complete indemnification for all costs of suit, and for all losses and damages which the owner or owners may have actually sustained by such capture and detention; that is to say,

First: In case of total loss, the claimant or claimants shall be indemnified;

- a. For the ship, her tackle, equipment, and stores.
- b. For all freights due and payable.
- c. For the value of the cargo of merchandise, if any, deducting all charges and expenses payable upon the sale of such cargo, including commission of sale.
- d. For all other regular charges in such case of total loss.

Secondly: In all other cases not of total loss, save as herein-after mentioned, the claimant or claimants shall be indemnified:

- a. For all special damages and expenses occasioned to the ship by her detention, and for loss of freight when due or payable.
- b. For demurrage according to the schedule annexed to the present article.
- c. For any deterioration of the cargo.
- d. For all premium of insurance on additional risks.

Further, the claimant or claimants shall be entitled to interest, at the rate of 5 per cent. per annum on the sum awarded, until such sum is paid by the Government to which the capturing ship belongs. The whole amount of such indemnification shall be calculated in the money of the country to which the detained vessel belongs, and shall be paid at the rate of exchange current at the time of the award.

The two High Contracting Parties, however, have agreed, that if it shall be proved to the satisfaction of the judges of the two nations, and without recourse to the decision of an arbitrator, that the captor has been led into error by the fault of the master or commander of the detained vessel, the detained vessel shall, in such case, not receive for the time of her detention the demurrage stipulated by the present article, nor any other compensation for losses, damages, or expenses consequent upon such detention.

Schedule of Demurrage or daily allowance for a vessel of

100 tons to 120 inclusive, 5 <i>l.</i> per diem.					
121	„	150	„	6 <i>l.</i>	„
151	„	170	„	8 <i>l.</i>	„
171	„	200	„	10 <i>l.</i>	„
201	„	220	„	11 <i>l.</i>	„
221	„	250	„	12 <i>l.</i>	„
251	„	270	„	14 <i>l.</i>	„
271	„	300	„	15 <i>l.</i>	„

And so on in proportion.

ARTICLE IX.

Neither the judges, nor the arbitrators, nor the secretaries of the Mixed Courts of Justice, shall demand or receive from any of the parties concerned in the cases which shall be brought before such courts any emolument or gift, under any pretext whatsoever, for the performance of the duties which such judges, arbitrators, and secretaries have to perform.

ARTICLE X.

The two High Contracting Parties have agreed that, in the event of the death, sickness, absence on leave, or other legal impediment of one or more of the judges or arbitrators composing the above-mentioned courts, the

post of such judge or of such arbitrator shall be supplied, *ad interim*, in the following manner :

First : On the part of Her Britannic Majesty, and in that court which shall sit in one of the possessions of Her said Majesty, if the vacancy be that of the British judge, his place shall be filled by the British arbitrator ; and either in that case, or if the vacancy be originally that of the British arbitrator, the place of such arbitrator shall be filled successively by the Governor or Lieutenant-Governor resident in such possession, by the principal magistrate of the same, and by the secretary of the Government ; and the said court, so constituted as above, shall sit, and shall proceed to adjudge all cases brought before them for adjudication, and shall pass sentence accordingly.

Secondly : On the part of Great Britain, and in that court which shall sit in some place within the territories of the Argentine Confederation, if the vacancy be that of the British judge, his place shall be filled by the British arbitrator ; and either in that case, or if the vacancy be originally that of the British arbitrator, the place of British arbitrator shall be filled, successively, by the British Consul and British Vice-Consul, if there be a British Consul or British Vice-Consul appointed to and resident in such place ; and if the vacancy be both of the British judge and of the British arbitrator, then the vacancy of the British judge shall be filled by the British Consul, and that of the British arbitrator by the British Vice-Consul, if there be a British Consul and a British Vice-Consul appointed to and resident in such place ; and if there shall be no British Consul or British Vice-Consul to fill the place of British arbitrator, then the Argentine arbitrator shall be called in in those cases in which a British arbitrator, if there were any, would be called in ; and in case the vacancy be both of the British judge and British arbitrator, and there be neither British Consul nor British Vice-Consul to fill, *ad interim*, the vacancies, then the Argentine judge and Argentine arbitrator shall sit, and shall proceed to adjudge all cases brought before them for adjudication, and shall pass sentence accordingly.

Thirdly : On the part of the Argentine Republic, and in that court which shall sit within the territories of that Republic, if the vacancy be that of the Argentine

judge, his place shall be filled by the Argentine arbitrator; and either in that case, or if the vacancy be originally that of the Argentine arbitrator, the place of such arbitrator shall be filled, successively, by the highest civil authority resident in such possession, by the principal magistrate of the same, and by the secretary of the Government, which, if the Court is held at Buenos Ayres, will be executed by the President of the Court of Appeal, by the senior member of that court, and by the Attorney-General of the province; and the said court, so constituted as above, shall sit, and shall proceed to adjudge all cases brought before them for adjudication, and shall pass sentence accordingly.

Fourthly: On the part of the Argentine Republic, and in that court which shall sit within the possessions of Her Britannic Majesty, if the vacancy be that of the Argentine judge, his place shall be filled by the Argentine arbitrator; and either in that case, or if the vacancy be originally that of the Argentine arbitrator, the place of the Argentine arbitrator shall be filled, successively, by the Argentine Consul and Argentine Vice-Consul, if there be an Argentine Consul or Argentine Vice-Consul appointed to and resident in such possession; and if the vacancy be both of the Argentine judge and of the Argentine arbitrator, then the vacancy of the Argentine judge shall be filled by the Argentine Consul, and that of the Argentine arbitrator by the Argentine Vice-Consul, if there be an Argentine Consul and an Argentine Vice-Consul appointed to and resident in such possession; and if there be no Argentine Consul or Argentine Vice-Consul to fill the place of Argentine arbitrator, then the British arbitrator shall be called in in those cases in which an Argentine Arbitrator would be called in; and in case the vacancy be both of the Argentine judge and Argentine arbitrator, and there be neither Argentine Consul nor Argentine Vice-Consul to fill, ad interim, the vacancies, then the British judge and British arbitrator shall sit, and shall proceed to adjudge all cases brought before them for adjudication, and shall pass sentence accordingly.

The highest civil authority of the settlement wherein either of the Mixed Courts of Justice shall sit shall, in the event of a vacancy arising either of the judge or of the arbitrator of the other High Contracting Party,

forthwith give notice of the same to the highest civil authority of the nearest settlement of such other High Contracting Party, in order that such vacancy may be supplied at the earliest possible period ; and each of the High Contracting Parties agrees to fill up definitively, as soon as possible, the vacancies which may arise in the above-mentioned courts, from death, or from any other cause whatever.

The undersigned Plenipotentiaries have agreed, in conformity with Article XII. of the Treaty signed by them on this day, the twenty-fourth of May one thousand eight hundred and thirty-nine, that the preceding Regulations, consisting of ten articles, shall be annexed to the said Treaty, and considered an integral part thereof. Signed this day, the twenty-fourth day of May one thousand eight hundred and thirty-nine.

(L.S.) J. H. MANDEVILLE.

ANNEX C.—REGULATIONS for the Good Treatment of
Liberated NEGROES.

ARTICLE I.

The object of these Regulations is to secure to negroes liberated by virtue of the stipulations of the Treaty to which these Regulations form an Annex (marked C.), permanent good treatment, and full and complete freedom, in conformity with the humane intentions of the High Contracting Parties.

ARTICLE II.

Immediately after sentence of condemnation shall have been passed by a Mixed Court of Justice established under the Treaty to which these Regulations form an Annex, on a vessel charged with being concerned in slave trade, all negroes who were on board such vessel, and who were brought on board for the purpose of traffic, shall be delivered over to the Government to whom belongs the cruiser which made the capture.

ARTICLE III.

If the cruiser which made the capture is British, the British Government engages that the negroes shall be

treated in exact conformity with the laws in force in the British colonies applicable to free-born or to emancipated negroes.

ARTICLE IV.

If the cruizer which made the capture is Argentine, then the negroes shall be delivered over to the Argentine authorities of that place in the dominions of the Argentine Confederation in which the Mixed Court of Justice is established; and the Argentine Government solemnly engages that such negroes shall be there treated strictly according to the regulations in force at the time being in the Argentine Confederation with respect to free negroes. The Argentine Confederation further engages that those regulations shall always be framed with the view of securing honestly and faithfully to emancipated negroes unmolested liberty, good treatment, a knowledge of the tenets of the Christian religion, advancement in morality and civilisation, and sufficient instruction in the mechanical arts to enable the said emancipated negroes to earn their own subsistence as artizans, mechanics, or servants.

ARTICLE V.

For the purpose which is explained in the following article, there shall be kept in the office of the Governor of that part of the possessions of the Argentine Confederation where the Mixed Court of Justice resides a register of all emancipated negroes; and in such register shall be entered with scrupulous exactness the names given to the negroes, the names of the vessels in which they were captured, the names of the persons to whose care they have been committed, and any other circumstance likely to contribute to the full and permanent liberty and welfare of such emancipated negroes.

ARTICLE VI.

The register to which the preceding article refers will serve to form a general return, which the Governor of that part of the possessions of the Argentine Confederation where the Mixed Court of Justice resides shall be bound to deliver every six months to the aforesaid Mixed Commission, in order to show the continued freedom of

the negroes emancipated under this Treaty, the improvement effected in their condition, and the progress made in their religious and moral instruction, and in their acquirement of the arts of life. The aforesaid return shall also specify the names and descriptions of such of the emancipated negroes as shall have died since the period of the last return.

ARTICLE VII.

The High Contracting Parties agree that if in future it should appear necessary to adopt new measures, in consequence of those which are laid down in this annex turning out inefficacious, the said High Contracting Parties will consult together, and will agree upon other means better adapted for the complete attainment of the objects they have in view.

ARTICLE VIII.

The undersigned Plenipotentiaries have agreed, in conformity with the thirteenth article of the Treaty signed by them on this day, the twenty-fourth day of May, one thousand eight hundred and thirty-nine, that this Annex, consisting of eight articles, shall be united to the said Treaty, and be considered an integral part thereof. This twenty-fourth day of May, one thousand eight hundred and thirty-nine.

(L.S.) J. H. MANDEVILLE.

ARTICLES additional to the TREATY concluded this Twenty-fourth day of May, One thousand eight hundred and thirty-nine, between HER BRITANNIC MAJESTY and the ARGENTINE CONFEDERATION, for the Suppression of the Slave Trade.

ARTICLE I.

It is agreed and understood, that if there should be any delay in appointing the judge and the arbitrator to be nominated on the part of the Argentine Confederation to act in each of the Mixed Courts of Justice to be established under this Treaty, or if those officers, after

being appointed, should at any time be absent, then and in either of such cases the judge and arbitrator who shall have been appointed on the part of Her Britannic Majesty, and who shall be present in the said courts, shall, in the absence of the Argentine judge and arbitrator, proceed to open the said courts, and to adjudge such cases as may be brought before them under the Treaty; and the sentence pronounced upon such cases by the said British judge and arbitrator shall have the same force and validity as if the judge and the arbitrator on the part of the Argentine Confederation had been appointed, and had been present and acting in the Mixed Courts in the cases in question.

ARTICLE II.

It is also agreed, notwithstanding the provisions of the first article of the Annex B, that so long as no Argentine judge and arbitrator shall have been nominated, it will be unnecessary for the Argentine Confederation to nominate the secretary or actuary mentioned in the said article; that in the meanwhile the secretary or actuary of that court which may exist within the territory of the Argentine Confederation shall be named and paid by the Government of Her Britannic Majesty; and that the entire expense of both the courts to be established under this Treaty shall be borne by the Government of Her Britannic Majesty.

ARTICLE III.

If, in the drawing up of this Treaty in the Spanish language, any involuntary error has been made in the translation, the English text is to be adhered to.

The present additional articles shall form an integral part of the Treaty for the suppression of the slave trade signed this day, and shall have the same force and validity as if they were inserted word for word in that Treaty, and shall be ratified as soon as possible within the term of eight months from the date of the present Treaty.

Done at Buenos Ayres, this twenty-fourth day of May, in the year of our Lord one thousand eight hundred and thirty-nine.

(L.S.) J. H. MANDEVILLE.

BOLIVIA.

The Treaty Engagements in force between Great Britain and Bolivia for the Suppression of the Slave Trade, to which your attention is particularly directed, are :—

The Treaty, dated the 25th of September, 1840, and the Annexes A., B., and C., thereto.

The additional Articles thereto of the same date.

The Treaty does not prescribe any Limits within which you are authorised to exercise the powers of Visit, Search, and Detention over Bolivian Vessels.

If you have reason to suspect that a Vessel sailing under the Escort or Convoy of a Bolivian Cruizer is engaged in or equipped for the Slave Trade, you will communicate your suspicions to the Commander of the Convoy, and offer to accompany him in a Visit to the suspected Vessel. If your suspicions of the Vessel prove to be well founded, you will detain her, provided that, by reason of her Nationality, she is subject to your authority. You will be careful, however, so far as may be compatible with the execution of your duty, to act with the concurrence of the Commander of the Convoy, and you are authorised to call upon him for any assistance that you may require. In like manner, if a Commander of a Bolivian ship, duly authorised under this Treaty, communicates to you his suspicions that a Vessel under your Convoy is engaged in or equipped for the Slave Trade, you will invite him to accompany you in a Visit to the suspected Vessel; and you will take care that the Visit is conducted in a strict and satisfactory manner. In the event of the suspicions proving to be well founded, you will give every facility for the Detention of the Vessel by the Bolivian Commander. You will, by the first opportunity, send a full Report of the Case, together with your own remarks thereon, to the Senior Officer of your Division, and a Duplicate thereof to the Secretary of the Admiralty.

Treaty,
Art. V. 3.

Annex A.
Art. II.

The Visit and Search of a Bolivian Vessel shall not be made by an Officer of a Rank lower than that of Lieutenant, unless he is at the time second in command of the Ship.

Annex A.
Art. I.

The Authority for the Visit and Search of a Bolivian Vessel is the Copy of Annex A. to the Treaty which you will find at p. 34.

Annex A.
Art. III.

Copies of the Certificates, Nos. 3 and 4* respectively, required to be made on the detention of a Vessel, shall be delivered to the Master.

Treaty,
Art. VII.

The proper Port of Adjudication for a Bolivian Vessel is Sierra Leone, that being at present the only Port at which there is a Mixed Court of Justice established in pursuance of the Treaty.

Annex A.
Art. IV.

A copy of the Certificate No. 9,* required to be made on the removal of any Person or Article from the Detained Vessel, shall be inserted on her Log Book.

Annex A.
Art. IV.

The Slaves shall not be landed at the Port of Adjudication until permission has been obtained from the Mixed Court of Justice.

* See Appendix to General Instructions, Vol. I., page 21.

BOLIVIA

TREATY* between HER MAJESTY and the REPUBLIC of
BOLIVIA for the Abolition of the Traffic in Slaves.
Signed at Sucre, September 25th, 1840.

[Ratifications exchanged October 8, 1842.]

In the Name of the Most Holy Trinity.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Republic of Bolivia, being mutually animated by a sincere desire to co-operate for the utter extinction of the barbarous traffic in slaves, have resolved to proceed to the conclusion of a Treaty for the special purpose of immediately attaining this object, and have respectively named for this purpose as their plenipotentiaries, to wit:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Belford Hilton Wilson, Esquire, and Chargé d’Affaires of Her Britannic Majesty at Lima;

And the Republic of Bolivia, the citizen José Maria Linares, Minister of State for the departments of the Home and Foreign Affairs;

Who, having duly communicated to each other their respective full powers, and found them to be in proper form, have agreed upon and concluded the following Articles:—

ARTICLE I.

The Slave Trade having been constitutionally abolished throughout the territories of the Republic of Bolivia, is hereby declared to be, henceforward, totally prohibited to all the citizens of the said republic, in all parts of the world.

ARTICLE II

The Republic of Bolivia hereby specially engages that two months after the exchange of the ratifications of

* Confirmed by Act of Parliament, 6 Vict. c. 14

the present Treaty, if the ordinary Congress shall be assembled at that time, or two months after the subsequent meeting of Congress, it will promulgate throughout its territories a penal law inflicting the punishment attached to piracy on all those citizens of Bolivia who shall, under any pretext whatsoever, take any part whatever in the traffic in slaves; and from time to time afterwards, as it may become needful, it will take the most effectual measures for preventing the citizens of the republic from being concerned, and the flag of the republic from being used, in carrying on, in any way, the trade in slaves.

ARTICLE III

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Republic of Bolivia, hereby mutually engage that, by an additional Convention to the present Treaty, hereafter to be concluded between the said High Contracting Parties to the present Treaty, they will concert and settle the details of the measures by which the law of piracy, which will become applicable to that traffic by the legislation of each of the two countries, shall be immediately and reciprocally carried into execution with respect to the vessels and subjects or citizens of each.

ARTICLE IV

In order more completely to carry into effect the spirit of the present Treaty, the two High Contracting Parties mutually consent that those ships of their navies respectively which shall be provided with special instructions for that purpose, as herein-after mentioned, may visit such merchant vessels of the two nations as may be suspected, upon reasonable grounds, of being engaged in the traffic of slaves, or of having been fitted out for the purposes thereof, or of having, during the voyage in which they are met by the said cruisers, been engaged in the traffic in slaves, contrary to the provisions of this Treaty; and the two High Contracting Parties likewise consent that such cruisers may detain and send or carry away such vessels, in order that they may be brought to trial in the manner herein-after agreed upon.

ARTICLE V.

In order to regulate the mode of carrying the provisions of the preceding Article into execution, it is agreed :

1st. That all ships of the navies of the two nations which shall be hereafter employed to prevent the traffic in slaves shall be furnished by their respective Governments with a copy, in the English and Spanish languages, of the present Treaty ; of the instructions for cruizers, annexed thereto, sub literâ A. ; and of the regulations for the Mixed Courts of Justice, annexed thereto, sub literâ B. ; which annexes shall be considered as an integral part of the Treaty.

2nd. That each of the High Contracting Parties shall from time to time communicate to the other the names of the several ships furnished with such instructions, the force of each ship, and the names of their several commanders.

3rd. That if at any time there shall be just cause to suspect that any merchant vessel, sailing under the flag of either nation, and proceeding under the convoy of any ship or ships of war of either of the Contracting Parties, is engaged, or is intended to be engaged, in the traffic in slaves, or is fitted out for the purposes thereof, or has, during the voyage on which she may be met with, been engaged in the traffic in slaves, it shall be lawful for the commander of any ship of the navy of either of the two High Contracting Parties, furnished with such instructions as aforesaid, to visit such merchant vessel ; and such commander shall proceed to visit the same, in communication with the commanding officer of the convoy, who, it is hereby agreed, shall give every facility to the visit, and to the effectual detention, if necessary, of such merchant vessel ; and in all things shall assist, to the utmost of his power, in the due execution of the present Treaty, according to the true intent and meaning thereof.

4th. It is further mutually agreed that the commanders of the ships of the two navies respectively who shall be employed on this service shall adhere strictly to the exact tenor of the aforesaid instructions.

ARTICLE VI.

As the two preceding articles are entirely reciprocal, the two High Contracting Parties engage mutually to make good any losses which their respective subjects or citizens may incur by the arbitrary and illegal detention of their vessels; it being understood that this indemnity shall invariably be borne by the Government whose cruiser shall have been guilty of such arbitrary and illegal detention, and that the visit and detention of such vessels, specified in the fourth article of this Treaty, shall only be effected by those British or Bolivian ships which may form part of the navies (Royal and National) respectively of the two High Contracting Parties to the Treaty, and by such ships only of those navies as shall be provided with the special instructions annexed to the present Treaty, in pursuance of the provisions thereof.

The compensation for damages of which this article treats shall be made within the term of one year, reckoned from the day on which the Mixed Courts of Justice pronounce sentence on the vessel for the detention of which such compensation is claimed.

ARTICLE VII

In order to bring to adjudication with as little delay and inconvenience as possible the vessels which may be detained according to the tenor of the fourth article of this Treaty, there shall be established, within the space of a year at furthest from the exchange of the ratifications of the present Treaty, two Mixed Courts of Justice, formed of an equal number of individuals of the two nations, named for this purpose by the Governments of the two High Contracting Parties respectively.

These courts shall reside, one in a possession belonging to Her Britannic Majesty, the other within the territories of the Republic of Bolivia; and the two Governments, at the period of the exchange of ratifications of the present Treaty, shall declare, each for its own territories, in what places the Courts shall respectively reside, each of the two High Contracting Parties reserving to itself the right of changing at its pleasure the place of residence of the court held within its own territories; provided, however, that one of the two

courts shall always be held upon the coast of Africa, and the other in one of the possessions of the Republic of Bolivia.

These courts shall judge the causes submitted to them, according to the provisions of the present Treaty, without appeal, and according to the regulations and instructions which are annexed to the present Treaty, and which are considered as forming an integral part thereof.

ARTICLE VIII

If the commanding officer of any of the ships of the navies of Great Britain and of the Republic of Bolivia respectively, duly commissioned according to the provisions of the fourth article of this Treaty, shall deviate in any respect from the stipulations of the said Treaty, or from the instructions annexed to it, the Government which shall conceive itself to be wronged thereby shall be entitled to demand reparation; and in such case the Government to which such commanding officer may belong binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon the said officer a punishment proportioned to any wilful transgression which he may have committed.

ARTICLE IX.

It is hereby further mutually agreed that every merchant vessel, British or Bolivian, which shall be visited by virtue of the present Treaty, may lawfully be detained and be sent or brought before the Mixed Courts of Justice established in pursuance of the provisions thereof, if in her equipment there shall be found any of the things herein-after mentioned, namely :—

1. Hatches with open gratings, instead of close hatches, which are usual in merchant vessels.
2. Divisions or bulkheads in the hold or on deck in a greater number than are necessary for vessels engaged in lawful trade.
3. Spare plank, fitted for being laid down as a second or slave deck.
4. Shackles, bolts, or handcuffs.
5. A larger quantity of water, in casks or in tanks, than is requisite for the consumption of the crew of the vessel as a merchant vessel.

6. An extraordinary number of water casks or of other vessels for holding liquid, unless the master shall produce a certificate from the custom house at the place from which he cleared outwards, stating that a sufficient security had been given by the owners of such merchant vessel that such extra quantity of casks or of other vessels should only be used for the reception of palm oil, or for other purposes of lawful commerce.

7. A greater quantity of mess tubs or kids than are requisite for the use of the crew of the vessel as a merchant vessel.

8. A boiler of an unusual size, and larger, or fitted for being made larger, than requisite for the use of the crew of the vessel as a merchant vessel, or more than one boiler of the ordinary size.

9. An extraordinary quantity either of rice, of the flour of Brazil, manioc or cassada, commonly called farinha, of maize, of Indian corn, or of any other article of food whatever, beyond what might probably be requisite for the use of the crew, such rice, flour, maize, Indian corn, or other article of food not being entered on the manifest as part of the cargo for trade.

10. A quantity of mats or matting, greater than is necessary for the use of the crew of the vessel as a merchant vessel.

Any one or more of these several things, if proved, shall be considered as *prima facie* evidence of the actual employment of the vessel in the slave trade; and the vessel shall thereupon be condemned, and be declared lawful prize, unless clear and incontestable evidence, on the part of the master or owners, shall establish to the satisfaction of the court that such vessel was at the time of her detention or capture employed in some legal pursuit, and that such of the several things above enumerated as were found on board her at the time of her detention, or had been put on board on the voyage on which the vessel when captured was proceeding, were needed for legal purposes on that particular voyage.

ARTICLE X.

If any of the things specified in the preceding article shall be found in any merchant vessel, no compensation for losses, damages, or expenses consequent upon the

detention of such vessel shall in any case be granted either to her master, or to her owner, or to any other person interested in her equipment or lading, even though the Mixed Court of Justice should not pronounce any sentence of condemnation in consequence of her detention.

ARTICLE XI.

It is hereby agreed between the two High Contracting Parties, that in all cases in which a vessel shall be detained under this treaty, by their respective cruisers, as having been engaged in the slave trade, or as having been fitted out for the purposes thereof, and shall consequently be adjudged and condemned by the Mixed Courts of Justice to be established as aforesaid, the said vessel shall, immediately after its condemnation, be broken up entirely, and shall be sold in separate parts, after having been so broken up.

ARTICLE XII.

The negroes who are found on board of a vessel detained by a cruiser, and condemned by the Mixed Courts of Justice, in conformity with the stipulations of this Treaty, shall be placed at the disposition of the Government whose cruiser has made the capture, on the distinct understanding that they shall be immediately set at liberty and kept free, the Government to which they have been delivered guaranteeing the same, and likewise engaging to afford from time to time, and whenever demanded by the other High Contracting Party, the fullest information as to the state and condition of such negroes, with a view of ensuring the due execution of the Treaty in this respect.

For this purpose the regulations annexed to this Treaty sub *litrâ* C., as to the treatment of negroes liberated by sentence of the Mixed Courts of Justice, have been drawn up, and are declared to form an integral part of this treaty. The two High Contracting Parties reserve to themselves the right to alter or suspend, by common consent and mutual agreement, but not otherwise, the terms and tenor of such regulations.

ARTICLE XIII.

The Acts or instruments annexed in this Treaty, and which it is mutually agreed shall form an integral part thereof, are as follows :—

A. Instructions for the ships of the navies of both nations destined to prevent the traffic in slaves.

B. Regulations for the Mixed Courts of Justice which are to hold their sittings on the coast of Africa and in one of the possessions of the Republic of Bolivia.

C. Regulations as to the treatment of liberated negroes.

ARTICLE XIV.

The present Treaty, consisting of fourteen articles, shall be ratified, and the ratifications thereof exchanged at London, as soon as possible within the space of twenty months from this date.

In witness whereof the respective Plenipotentiaries have signed, in triplicate originals, English and Spanish, the present Treaty, and have hereunto affixed the seal of their arms.

Done at Sucre, the twenty-fifth day of September in the year of our Lord one thousand eight hundred and forty.

(L.S.)	BELFORD HINTON WILSON.
(L.S.)	JOSE MA. LINARES.

ANNEX A. to the TREATY between GREAT BRITAIN and the REPUBLIC of BOLIVIA for the abolition of the Slave Trade of the REPUBLIC of BOLIVIA.

Instructions for the Ships of the British and Bolivian Navies employed to prevent the Traffic in Slaves.

ARTICLE I.

The commander of any ship belonging to the navy of Her Britannic Majesty or of the Republic of Bolivia, which shall be furnished with these instructions, shall have a right to visit, search and detain any British or Bolivian merchant vessel which shall be actually engaged or which shall be suspected to be engaged in the slave trade, or to be fitted out for the purposes thereof, or to

have been engaged in the traffic in slaves during the voyage in which she may be met with by such ship of the British or Bolivian navy; and such commander shall thereupon bring or send such merchant vessel, as soon as possible, for judgment before that one of the two Mixed Courts of Justice established in virtue of the seventh article of the said Treaty which shall be the nearest to the place of detention, or which such commander shall, upon his own responsibility, think can be soonest reached from such place.

ARTICLE II.

Whenever a ship of either of the said navies, duly authorised as aforesaid, shall meet a merchantman liable to be visited under the provisions of the said Treaty, the search shall be conducted in the mildest manner, and with every attention which ought to be observed between allied and friendly nations; and the search shall in all cases be made by an officer holding a rank not lower than that of lieutenant in the navy of Great Britain or of the Republic of Bolivia respectively (unless the command shall, by reason of death or otherwise, be held by an officer of inferior rank), or by the officer who at the time shall be second in command of the ship by which such search is made.

ARTICLE III.

The commander of any ship of the two navies, duly authorised as aforesaid, who may detain any merchant vessel in pursuance of the tenor of the present instructions, shall leave on board the vessel so detained the master, the mate, or boatswain, and two or three, at least, of the crew thereof, the whole of the slaves, if any, and all the cargo.

The captor shall, at the time of detention, draw up in writing an authentic declaration, which shall exhibit the state in which he found the detained vessel, such declaration to be signed by himself, and to be given in or sent, together with the captured vessel, to the Mixed Court of Justice before which such vessel shall be carried or sent for adjudication.

He shall deliver to the master of the detained vessel a certified list of the papers seized on board the same,

as well as the number of slaves found on board at the moment of detention.

In the authenticated declaration which the captor is hereby required to make, as well as in the certified list of the papers seized, he shall insert his own name, the name of the capturing ship, the latitude and longitude of the place where the detention shall have taken place, and the number of slaves found on board the vessel at the time of the detention.

The officer in charge of the vessel detained shall, at the time of his bringing the vessel's papers in to the Mixed Court of Justice, to deliver into a court a paper signed by himself and verified on oath, stating any changes which may have taken place in respect to the vessel, her crew, the slaves (if any), and her cargo between the period of her detention and the time of delivering in such paper.

ARTICLE IV.

The slaves shall not be disembarked till after the vessel which contains them shall have arrived at the place of adjudication, in order that, in the event of the vessel not being adjudged legal prize, the loss of the proprietors may be more easily repaired; and even after the slaves have arrived at such place they are not to be landed without the permission of the Mixed Court of Justice.

But if urgent reasons, deduced from the length of the voyage, from the state of health of the slaves, or from other causes, should require that either the whole or a portion of the negroes should be disembarked before the vessel can arrive at the place at which one of the said courts is established, the commander of the capturing ship may take upon himself the responsibility of so disembarking the negroes, provided that such necessity, and the cause thereof, be stated in a certificate in proper form, and that this certificate be entered at the time on the log-book of the detained vessel.

The undersigned Plenipotentiaries have agreed, in conformity with the thirteenth article of the Treaty signed by them on this day, the twenty-fifth of September of one thousand eight hundred and forty, that the preceding instructions, consisting of four articles, shall

be annexed to the said Treaty, and be considered as an integral part thereof.

The twenty-fifth day of September of one thousand eight hundred and forty.

(L.S.)	BELFORD HINTON WILSON.
(L.S.)	JOSE MA. LINARES.

ANNEX B. to the TREATY between GREAT BRITAIN and the REPUBLIC of BOLIVIA for the Abolition of the Slave Trade of the REPUBLIC of BOLIVIA.

Regulations for the Mixed Courts of Justice which are to reside on the coast of Africa and in the possessions of the Republic of Bolivia.

ARTICLE I.

The Mixed Courts of Justice to be established under the provisions of the Treaty, to which these regulations are declared to be an integral part, shall be composed in the following manner:—

Each of the two High Contracting Parties shall name a judge and an arbitrator, who shall be authorised to hear, and to decide without appeal, all cases of the capture or detention of vessels which, in pursuance of the stipulations of the aforesaid Treaty, shall be brought before them. The judges and the arbitrators shall, before entering upon the duties of the office, respectively make oath before the principal magistrate of the places in which such courts respectively shall reside that they will judge fairly and faithfully; that they will have no preference either for the claimants or the captors; and that they will act in all their decisions in pursuance of the stipulations of the aforesaid Treaty.

There shall be attached to each of such courts a secretary or registrar, who shall be appointed by the Government of the country within the territories of which such court shall reside.

Such secretary or registrar shall register all the acts of such court, and shall, before he enters upon his office, make oath before the court to which he is appointed that he will conduct himself with due respect for its authority, and will act with fidelity and impartiality in all matters relating to his said office.

The salary of the secretary or registrar of the court

to be established on the coast of Africa shall be paid by Her Britannic Majesty, and that of the secretary or registrar of the court to be established in the possessions of the Republic of Bolivia, shall be paid by the Government of the Republic of Bolivia.

Each of the Governments shall defray half of the aggregate amount of the incidental expenses of such courts.

ARTICLE II.

The expenses incurred by the officer charged with the reception, maintenance, and care of the detained vessel, slaves, and cargo, and with the execution of the sentence, and all disbursements occasioned by bringing a vessel to adjudication, shall, in case of condemnation, be defrayed from the funds arising from the sale of the materials of the broken-up vessel, of the ship's stores, and of such parts of the cargo as shall consist of merchandise; and in case the proceeds arising from this sale should not prove sufficient to defray such expenses, the deficiency shall be made good by the Government of the country within whose territories the adjudication shall have taken place.

If the detained vessel shall be released, the expenses occasioned by bringing her to adjudication shall be defrayed by the captor, excepting in the cases specified, and otherwise provided for, under Article X. of the Treaty to which these regulations form an annex, and under Article VII. of these regulations.

ARTICLE III.

The Mixed Courts of Justice are to decide upon the legality of the detention of such vessels as the cruisers of either nation shall, in pursuance of the said Treaty, detain.

These courts shall judge definitively and without appeal all questions which shall arise out of the capture and detention of such vessels.

The proceedings of these courts shall take place with as little delay as possible; and for this purpose the courts are required to decide each case, as far as may be practicable, within the space of twenty days, to be dated from the day on which the detained vessel shall have been brought into the port where the deciding court shall reside.

The final sentence shall not in any case be delayed beyond the period of two months, either on account of the absence of witnesses or for any other cause, except upon the application of any of the parties interested, in which case, upon such party or parties giving satisfactory security that they will take upon themselves the expense and risks of the delay, the courts may, at their discretion, grant an additional delay, not exceeding four months. Either party shall be allowed to employ such counsel as he may think fit to assist him in the conduct of his cause.

All the essential parts of the proceedings of the said courts shall be written down in the language of the country in which the courts shall respectively reside.

ARTICLE IV.

The form of the process shall be as follows :—

The judges appointed by the two nations respectively shall in the first place proceed to examine the papers of the detained vessel, and to take the depositions of the master or commander, and of two or three at least of the principal individuals on board such vessel, as well as the declaration on oath of the captor, should such declaration appear necessary to enable them to judge and to pronounce whether the said vessel had been justly detained or not according to the stipulations of the aforesaid Treaty, so that, according to the judgment pronounced, the vessel may be condemned or released.

In the event of the two judges not agreeing as to the sentence which they ought to pronounce in any case brought before them, either with respect to the legality of the detention, the liability of the vessel to condemnation, or the compensation to be allowed, or as to any other question which may arise out of the said capture; or if any difference of opinion should arise between them as to the mode of proceeding in the said court, they shall draw by lot the name of one of the two arbitrators appointed as aforesaid, which arbitrator, after having considered the proceedings which have taken place, shall consult with the two above-mentioned judges, and the final sentence or decision shall be pronounced conformably to the opinion of the majority of the three.

ARTICLE V.

If the detained vessel shall be restored by the sentence of the court, the vessel and the cargo, in the state in which they shall then be found, shall forthwith be given up to the master, or to the person who represents him ; and such master or other person may, before the same court, claim to have a valuation made in order to ascertain the amount of the damages to which he shall be entitled. The captor himself, and in his default his Government, shall remain responsible for the damages which may definitively be pronounced to be due to the master of such vessel, or to the owners of the vessel or of her cargo.

The two High Contracting Parties bind themselves to pay, within the term of a year from the date of the sentence, the costs and damages which may be awarded by the above-named court ; it being mutually understood and agreed that such costs and damages shall be made good by the Government of the country of which the captor shall be a subject or citizen.

ARTICLE VI.

If the detained vessel shall be condemned, she shall be declared lawful prize, together with her cargo, of whatever description it may be, with the exception of the slaves who shall have been brought on board for the purposes of commerce ; and the said vessel, in conformity with the regulations in Article XI. of the Treaty of this date, shall, as well as her cargo, be sold by public sale, for the profit of the two Governments, subject to the payment of the expenses herein-before mentioned.

The slaves shall receive from the court a certificate of emancipation, and shall be delivered over to the Government to whom belongs the cruiser which made the capture, to be dealt with according to the regulations and conditions contained in the annex to this Treaty, sub literâ C.

The charges incurred for the support and for the return voyage of the commanders and crews of condemned vessels shall be defrayed by the Government of which such commanders and crews are the subjects or citizens.

ARTICLE VII.

The Mixed Courts of Justice shall also take cognisance of, and shall decide definitively and without appeal, all claims for compensation on account of losses occasioned to vessels and cargoes detained under the provisions of this Treaty, but which shall not have been condemned as legal prize by the said courts; and in all cases wherein restitution of such vessels and cargoes shall be decreed (save as mentioned in Article X. of the Treaty to which these regulations form an annex, and in a subsequent part of these regulations) the court shall award to the claimant or claimants, or to his or their lawful attorney or attorneys, for his or their use, a just and complete indemnification for all costs of suit and for all losses and damages which the owner or owners may have actually sustained by such capture and detention, that is to say :—

1. In case of total loss, the claimant or claimants shall be indemnified :

a. For the ship, her tackle, equipment, and stores.

b. For all freights due and payable.

c. For the value of the cargo of merchandise, if any, deducting all charges and expenses payable upon the sale of such cargo, including commission of sale.

d. For all other regular charges in such case of total loss.

2. In all other cases, not of total loss, save as hereinafter mentioned, the claimant or claimants shall be indemnified :—

a. For all special damages and expenses occasioned to the ship by the detention, and for loss of freight when due or payable.

b. For demurrage, according to the schedule annexed to the present article.

c. For any deterioration of the cargo.

d. For all premium of insurance on additional risks.

Further, the claimant or claimants shall be entitled to interest at the rate of five per cent. per annum on the sum awarded, until such sum is paid by the Government to which the capturing ship belongs. The whole amount of such indemnifications shall be calculated in the money of the country to which the detained vessel belongs, and shall be paid at the rate of exchange current at the time of the award.

The two High Contracting Parties, however, have agreed, that if it shall be proved to the satisfaction of the judges of the two nations, and without recourse to the decision of an arbitrator, that the captor has been led into error by the fault of the master or commander of the detained vessel, the detained vessel in that case shall not have the right of receiving for the time of her detention to demurrage stipulated by the present article, nor any other compensation for losses, damages, or expenses consequent upon such detention.

SCHEDULE of demurrage or daily allowance for a vessel of—

100 to 120 tons inclusive	-	£5 per diem.
121 to 150	„	- 6 „
151 to 170	„	- 8 „
171 to 200	„	- 10 „
201 to 220	„	- 11 „
221 to 250	„	- 12 „
251 to 270	„	- 14 „
271 to 300	„	- 15 „

and so in proportion.

ARTICLE VIII.

Neither the judges, nor the arbitrators, nor the secretaries of the Mixed Courts of Justice, shall demand or receive from any of the parties concerned in the cases which shall be brought before such courts any emolument or gift, under any pretext whatsoever, for the performance of the duties which such judges, arbitrators, and secretaries have to perform.

ARTICLE IX

The two High Contracting Parties have agreed that in the event of the death, sickness, absence on leave, or other legal impediment of one or more of the judges or arbitrators composing the above-mentioned courts respectively, the post of such judge or of such arbitrator shall be supplied ad interim in the following manner :—

1. On the part of Her Britannic Majesty, and in that court which shall sit within the possessions of Her said Majesty, if the vacancy be that of the British judge, his place shall be filled by the British arbitrator; and either in that case, or if the vacancy be originally that of the

British Arbitrator, the place of such arbitrator shall be filled successively by the Governor or Lieutenant-Governor resident in such possession, by the principal magistrate of the same, and by the Secretary of the Government; and the said court, so constituted as above, shall sit, and in all cases brought before them for adjudication shall proceed to adjudge the same, and to pass sentence accordingly.

2. On the part of Great Britain, and in that court which shall sit within the possessions of the Republic of Bolivia, if the vacancy be that of the British Judge, his place shall be filled by the British arbitrator; and either in that case, or if the vacancy be originally that of the British arbitrator, the place of British arbitrator shall be filled successively by the British Consul and British Vice-Consul, if there be a British Consul or British Vice-Consul appointed to and resident in such possession, and if the vacancy be both of the British judge and of the British arbitrator, then the vacancy of the British judge shall be filled by the British Consul, and that of the British arbitrator by the British Vice-Consul, if there be a British Consul and a British Vice-Consul appointed to and resident in such possession; and if there shall be no British Consul or British Vice-Consul to fill the place of British arbitrator, then the Bolivian arbitrator shall be called in in those cases in which a British arbitrator, if there were any, would be called in; and in case the vacancy be both of the British judge and British arbitrator, and there be neither British Consul nor British Vice-Consul to fill ad interim the vacancies, then the Bolivian judge and Bolivian arbitrator shall sit, and in all cases brought before them for adjudication shall proceed to adjudge the same, and pass sentence accordingly.

3. On the part of the Republic of Bolivia, and in that court which shall sit within the territories of the said Republic, if the vacancy be that of the Bolivian judge, his place shall be filled by the Bolivian arbitrator; and either in that case, or if the vacancy be originally that of the Bolivian arbitrator, the place of such arbitrator shall be filled successively by the highest civil authority resident in such possession, by the principal magistrate of the same, and by the secretary of the highest civil authority; and the said court, so constituted as above, shall sit, and in all cases brought before them for adjudi-

cation, shall proceed to adjudge the same, and pass sentence accordingly.

4. On the part of the Republic of Bolivia, and in that court which shall sit within the possessions of Her Britannic Majesty, if the vacancy be that of the Bolivian judge, his place shall be filled by the Bolivian arbitrator ; and either in that case, or if the vacancy be originally that of the Bolivian arbitrator, the place of arbitrator shall be filled successively by the Bolivian Consul and Bolivian Vice-Consul, if there be a Bolivian Consul or Vice-Consul appointed to and resident in such possession ; and if the vacancy be both of the Bolivian judge and of the Bolivian arbitrator, then the vacancy of the Bolivian judge shall be filled by the Bolivian Consul, and that of the Bolivian arbitrator by the Bolivian Vice-Consul, if there be a Bolivian Consul and a Bolivian Vice-Consul appointed to and resident in such possession ; and in the case in which there be no Bolivian Consul or Vice-Consul to fill the place of Bolivian arbitrator, then the British arbitrator shall be called in those cases in which a Bolivian arbitrator would be called in ; and in case the vacancy be both of the Bolivian judge and Bolivian arbitrator, and there be neither Bolivian Consul nor Bolivian Vice-Consul to fill ad interim the vacancies, then the British judge and British arbitrator shall sit, and in all cases brought before them for adjudication shall proceed to adjudge the same, and to pass sentence accordingly.

The highest civil authority of the settlement wherein either of the Mixed Courts of Justice shall sit, shall, in the event of a vacancy arising either of the judge or the arbitrator of the other High Contracting Party, forthwith give notice of the same to the highest civil authority of the nearest settlement of such other High Contracting Party, in order that such vacancy may be supplied at the earliest possible period ; and each of the High Contracting Parties agrees to supply definitively, as soon as possible, the vacancies which may arise in the above-mentioned courts from death or from any other cause whatever.

The undersigned plenipotentiaries have agreed, in conformity with the XIIIth Article of the Treaty signed by them on this day, the twenty-fifth of September of one thousand eight hundred and forty, that the preceding regulations, consisting of nine articles, shall be annexed

to the said Treaty, and considered as an integral part thereof.

The twenty-fifth day of September of one thousand eight hundred and forty.

(L.S.)	BELFORD HINTON WILSON.
(L.S.)	JOSE M ^A LINARES.

ANNEX C.

REGULATIONS for the GOOD TREATMENT of liberated NEGROES.

ARTICLE I.

The object and spirit of these regulations is to secure to negroes liberated by virtue of the stipulations of the Treaty to which these regulations form an Annex (marked C.), permanent good treatment, and full and complete freedom, in conformity with the humane intentions of the High Contracting Parties.

ARTICLE II.

Immediately after sentence of condemnation shall have been passed by a Mixed Court of Justice established under the Treaty to which these regulations form an annex, on a vessel charged with being concerned in illegal slave trade, all negroes who were brought on board such vessel, and who were brought on board for the purpose of traffic, shall be delivered over to the Government to whom belongs the cruiser which made the capture.

ARTICLE III.

If the cruiser which made the capture is British, the British Government engages that the negroes shall be treated in exact conformity with the laws in force in the British colonies for the regulation of free or of emancipated negroes.

ARTICLE IV.

If the cruiser which makes the capture is Bolivian, then the negroes shall be delivered over to the Bolivian authorities of that place in the dominions of the Republic.

of Bolivia in which the Mixed Court of Justice is established; and the Bolivian Government solemnly engages that such negroes shall there be treated strictly according to the regulations actually in force in the Republic of Bolivia with respect to free negroes, or according to such regulations as may in future be established in the Republic of Bolivia in this respect, and which regulations shall always have in view the humane object of securing honestly and faithfully to emancipated negroes the unmolested enjoyment of their liberty, good treatment, a knowledge of the tenets of the Christian religion, advancement in morality and civilisation, and sufficient instruction in the mechanical arts in order that the said emancipated negroes may be enabled to earn their own subsistence, whether as artizans, mechanics, or servants.

ARTICLE V.

For the purpose which is explained in Article VI. there shall be kept in the office of the principal civil authority of the part of the possessions of the Republic of Bolivia where the mixed Court of Justice resides a register of all emancipated negroes, in which shall be entered with scrupulous exactness the names given to the negroes, the names of the vessels in which they were captured, the names of the persons to whose care they have been committed, and any other circumstances likely to contribute to the end in view.

ARTICLE VI.

The register to which the preceding article refers will serve to form a general return, which the highest civil authority of that part of the possessions of the Republic of Bolivia where the Mixed Court of Justice resides shall be bound to deliver every six months to the aforesaid Mixed Commission, in order to show the existence of the negroes emancipated under this Treaty, the improvement made in their condition, and the progress made in their religious and moral instruction, and in the arts of life. The aforesaid return shall also specify the names and descriptions of such of the emancipated negroes as shall have died during the period for which the return is made up.

ARTICLE VII.

The High Contracting Parties agree that if in future it should appear necessary to adopt new measures, in consequence of those laid down in this annex turning out inefficacious, the said High Contracting Parties will consult together, and will agree upon other means better adapted for the complete attainment of the objects proposed.

ARTICLE VIII.

The undersigned Plenipotentiaries have agreed, in conformity with the XIIIth Article of the Treaty signed by them on this day, the twenty-fifth of September of one thousand eight hundred and forty, that this annex, consisting of eight articles, shall be united to the said Treaty, and be considered an integral part thereof.

The twenty-fifth day of September of one thousand eight hundred and forty.

(L.S.)	BELFORD HINTON WILSON.
(L.S.)	JOSE MA. LINARES.

ARTICLES ADDITIONAL to the TREATY concluded this twenty-fifth day of September of one thousand eight hundred and forty, between HER BRITANNIC MAJESTY and the REPUBLIC OF BOLIVIA, for the Suppression of the Slave Trade.

ARTICLE I.

It is agreed and understood, that if there should be any delay in appointing the judge and the arbitrator to be nominated on the part of the Republic of Bolivia to act in each of the Mixed Courts of Justice to be established under this Treaty, or if those officers, after being appointed, should at any time be absent, then and in either of such cases the judge and arbitrator appointed on the part of Her Britannic Majesty, and present in the said courts, shall, in the absence of the Bolivian judge and arbitrator, proceed to open the said courts, and to adjudge such cases as may be brought before them under the Treaty; and the sentence pronounced upon such cases by the said British judge and arbitrator

shall have the same force and validity as if the judge and the arbitrator on the part of Bolivia had been appointed, and had been present and acting in the Mixed Courts in the cases in question.

ARTICLE II.

It is also agreed, notwithstanding the provisions of the first article of the Annex B., that so long as no Bolivian judge and arbitrator is nominated it will be unnecessary for the Republic of Bolivia to nominate the secretary or actuary mentioned in the said article; that in the meanwhile the secretary or actuary of the court which may exist within the territory of the Republic of Bolivia shall be named and paid by the Government of Her Britannic Majesty, and that the entire expense of both the courts to be established under this Treaty shall be borne by the Government of Her Britannic Majesty.

ARTICLE III.

If in the drawing up of this Treaty in the Spanish language any involuntary error has been made in the translation, the English text is to be adhered to.

The present additional articles shall form an integral part of the Treaty for the suppression of slave trade signed this day, and shall have the same force and validity as if they were inserted, word for word, in that Treaty; and shall be ratified and the ratifications shall be exchanged at the same time.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at Sucre, the twenty-fifth day of September in the year of our Lord one thousand eight hundred and forty.

(L.S.)	BELFORD HINTON WILSON.
(L.S.)	JOSE MA. LINARES.

BORNEO.

The Treaty Engagements in force between Great Britain and Borneo for the Suppression of the Slave Trade, to which your attention is particularly directed, are :—

The Engagements contained in Articles IX. and XI. of the Treaty, dated the 27th of May 1847.

You are authorised to exercise the powers of Visit, Search, and Detention over any Borneo Vessel, whether on the High Seas or in the Ports, Rivers, or Creeks within the dominions of the Sultan of Borneo. Treaty, Art. IX.

The Sultan of Borneo has waived in favour of Great Britain the right which he, as an independent Sovereign, would naturally possess, to forbid British Cruizers from exercising any act of authority over Vessels within the Territorial Waters of his dominions. Accordingly, for the purpose of exercising such powers of Visit, Search, and Detention as are vested in you by virtue of any Treaty or Act of Parliament, the Territorial Waters of Borneo are to be deemed the High Seas. Treaty, Art. IX.

The Authority for the Visit and Search of a Borneo Vessel is contained in Article IX of the Treaty, page 50.

The proper Port of Adjudication for a Borneo Vessel is the nearest or most accessible Port at which a British Admiralty, Vice-Admiralty, or Consular Court or Colonial Court of Admiralty having Slave Trade jurisdiction is established. Treaty, Art. XI.

BORNEO.

TREATY of FRIENDSHIP and COMMERCE between HER MAJESTY and the SULTAN of BORNEO, signed in the English and Malay Languages, May 27, 1847.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland being desirous to encourage commerce between Her Majesty's subjects and the subjects of the independent Princes of the Eastern Seas and to put an end to piracies which have hitherto obstructed that commerce, and His Highness Omar Ali Saifadeen, who sits upon the throne and rules the territories of Borneo, being animated by corresponding dispositions, and being desirous to co-operate in any measures which may be necessary for the attainment of the above-mentioned objects, Her said Britannic Majesty and the Sultan of Borneo have agreed to record their determination in these respects by a Convention containing the following articles:—

* * * *

ARTICLE IX.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the Sultan of Borneo hereby engage to use every means in their power for the suppression of piracy within the seas, straits, and rivers subject to their respective control or influence; and His Highness the Sultan of Borneo engages not to grant either asylum or protection to any persons or vessels engaged in piratical pursuits, and in no case will he permit ships, slaves, or merchandise captured by pirates to be introduced into his dominions, or to be exposed therein for sale; and Her Britannic Majesty claims, and His Highness the Sultan of Borneo concedes to Her Majesty, the right of investing her officers and other duly constituted authorities with the power of entering at all times, with her vessels of war, or other vessels duly empowered, the ports, rivers, and creeks within the

dominions of His Highness the Sultan of Borneo, in order to capture all vessels engaged in piracy or slave-dealing, and to seize, and to reserve for the judgment of the proper authorities, all persons offending against the Two Contracting Powers in these respects.

* * * *

ARTICLE XI.

Her Britannic Majesty being greatly desirous of effecting the total abolition of the trade in slaves, His Highness the Sultan of Borneo, in compliance with Her Majesty's wish, engages to suppress all such traffic on the part of his subjects, and to prohibit all persons residing within his dominions or subject to him from countenancing or taking any share in such trade; and His Highness further consents that all subjects of His Highness who may be found to be engaged in the slave trade may, together with their vessels, be dealt with by the cruizers of Her Britannic Majesty as if such persons and their vessels had been engaged in a piratical undertaking.

ARTICLE XII.

This Treaty shall be ratified, and the ratifications thereof shall be exchanged at Brunei, within twelve months after this date.

This twenty-seventh day of May 1847.

JAMES BROOKE. (L.S.)



BRAZIL.

The only Treaty Engagement in force between Great Britain and Brazil for the Suppression of the Slave Trade is—

The First Article of the Convention, dated the 23rd of November, 1826.

You will not exercise any powers of Visit, Search, or Detention over Brazilian Vessels under this Article, and will confine yourself to reporting to Her Majesty's Government and to Her Majesty's Diplomatic Representative in Brazil any suspicious circumstances which may lead you to suppose that Slaves are being conveyed razilian Vessels.

BRAZIL.

CONVENTION* between HIS MAJESTY and the EMPEROR of BRAZIL for the Abolition of the African Slave Trade.—Signed at Rio de Janeiro, November 23, 1826.

Ratifications exchanged at London, March 13, 1827.

WHEREAS upon the separation of the empire of Brazil from the kingdom of Portugal His Majesty the King of the United Kingdom of Great Britain and Ireland and His Majesty the Emperor of Brazil respectively acknowledged the obligation which devolved upon them to renew, confirm, and give full effect to the stipulations of the Treaties subsisting between the Crowns of Great Britain and Portugal for the regulation and final abolition of the African Slave Trade, in so far as these stipulations are binding upon Brazil :

And whereas, in furtherance of that important object, His Majesty the King of the United Kingdom of Great Britain and Ireland and His Majesty the Emperor of Brazil are animated with a sincere desire to fix and define the period at which the total abolition of the said trade, so far as relates to the dominions and subjects of the Brazilian empire, shall take place, their said Majesties have accordingly named as their Plenipotentiaries to conclude a convention for this purpose ; that is to say,—

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Robert Gordon, a member of His Majesty's Most Honourable Privy Council, and His Envoy Extraordinary and Minister Plenipotentiary at the Court of Brazil ; and His Majesty the Emperor of Brazil, the Most Illustrious and Most Excellent Marquis of Inhaubupe, Senator of the Empire, of the Council of State, Dignitary of the Imperial Order of the Cross, Commander of the Order of Christ, and Minister and Secretary of State for Foreign Affairs ; and the Most Illustrious and Most Excellent Marquis of

* Confirmed by Act of Parliament, 7 & 8 Geo. IV. c. 74.

Santo Amaro, Senator of the Empire, of the Council of State, Gentleman of the Imperial Chamber, Dignitary of the Imperial Order of the Cross, and Commander of the Orders of Christ and of the Tower and Sword;

Who, after having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon and concluded the following articles :—

ARTICLE I.

At the expiration of three years, to be reckoned from the exchange of the ratifications of the present Treaty, it shall not be lawful for the subjects of the Emperor of Brazil to be concerned in the carrying on of the African Slave Trade, under any pretext or in any manner whatever, and the carrying on of such trade after that period, by any person, subject of His Imperial Majesty, shall be deemed and treated as piracy.

* * * *

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Rio de Janeiro the 23rd day of November in the year of our Lord 1826.

(L.S.) ROBT. GORDON. (L.S.) MARQUEZ DE INHAMBUPE.
(L.S.) MARQUEZ DE S. AMARO.

CHILE.

— —

The Treaty Engagements in force between Great Britain and Chile for the Suppression of the Slave Trade, to which your attention is particularly directed, are :—

- The Treaty, dated the 19th of January, 1839, and the Annexes A., B., and C. thereto ;
- The additional Articles thereto of the same date ;
- An additional and explanatory Convention, dated the 7th of August, 1841.

The Limits within which you are authorised to exercise the powers of Visit, Search, and Detention over Chilean Vessels are :— Conv. Art. II.

- (1.) Along the Western Coast of Africa, from the Fortieth Degree of South Latitude to the Twenty-fifth Degree of North Latitude, and to the Twenty-seventh Degree of West Longitude, calculated from the Meridian of Greenwich.
- (2.) Within 20 leagues from the Coast of Madagascar.
- (3.) Within 20 leagues from the Coast of Cuba.
- (4.) Within 20 leagues from the Coast of Porto Rico.
- (5.) Within 20 leagues from the Coast of Brazil.

You are likewise authorised to exercise the same powers over any Vessel beyond the Limit of 20 Leagues, provided she was within the Limit when you first began to chase her, and provided you did not lose sight of her during the chase.

If you have reason to suspect that a Vessel sailing under the Escort or Convoy of a Chilean Cruiser is engaged in or equipped for the Slave Trade, you will communicate your suspicions to the Commander of the Convoy, and offer to accompany him in a visit to the suspected Vessel. If your suspicions of the Vessel prove to be well founded, you will detain her, provided Treaty, Art. V., 3.

that, by reason of her Nationality, she is subject to your authority. You will be careful, however, so far as may be compatible with the execution of your duty, to act with the concurrence of the Commander of the Convoy, and you are authorised to call upon him for any assistance that you may require. In like manner, if a Commander of a Chilian Ship, duly authorised under this Treaty, communicates to you his suspicions that a vessel under your Convoy is engaged in or equipped for the Slave Trade, you will invite him to accompany you in a visit to the suspected Vessel; and you will take care that the visit is conducted in a strict and satisfactory manner. In the event of the suspicions proving to be well founded, you will give every facility for the Detention of the Vessel by the Chilian Commander. You will by the first opportunity send a full Report of the Case, together with your own remarks thereon, to the Senior Officer of your Division, and a Duplicate thereof to the Secretary of the Admiralty.

Annex A.,
Art. II.

The Visit and Search of a Chilian Vessel shall not be made by an Officer of a Rank lower than that of Lieutenant, unless he is at the time second in command of the Ship.

Annex A.,
Art. I.

The Authority for the Visit and Search of a Chilian Vessel is the Copy of Annex A. to the Treaty which you will find at page 65.

Annex A.,
Art. III.

Copies of the Certificates, Nos. 3 and 4* respectively, required to be made on the Detention of a Vessel, shall be delivered to the Master.

Treaty,
Art. VII.

The proper Port of Adjudication for a Chilian Vessel is Sierra Leone, that being at present the only Port at which there is a Mixed Court of Justice established in pursuance of the Treaty.

Annex A.
Art. IV.

A copy of the Certificate No. 9,* required to be made on the removal of any Person or Article from the Detained Vessel, shall be inserted on her Log Book.

Annex A.
Art. IV.

The Slaves shall not be landed at the Port of Adjudication until permission has been obtained from the Mixed Court of Justice.

* See Appendix to General Instructions, Vol. I., page 21.

CHILE.

TREATY* between HER MAJESTY and the REPUBLIC of CHILE for the Abolition of Traffic in Slaves. Signed at Santiago, January 19, 1839.

Ratifications exchanged at Santiago, August 6, 1842.

In the Name of the Most Holy Trinity.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and his Excellency the President of the Republic of Chile, being mutually animated by a sincere desire to co-operate for the utter extinction of the barbarous traffic in slaves, have resolved to proceed to the conclusion of a Treaty for the special purpose of immediately attaining this object, and have respectively named, for this purpose, as their plenipotentiaries, to wit :—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Honourable John Walpole, Her Britannic Majesty's Consul-General in the Republic of Chile ;

And the Republic of Chile, Don Joaquin Torconal, Minister of State for Foreign Affairs and Finance ;

Who, having duly communicated to each other their respective full powers, and found them to be in proper form, have agreed upon and concluded the following articles :

ARTICLE I.

The slave trade, having been constitutionally abolished throughout the territories of the Chilian Republic, is hereby declared to be henceforward totally prohibited to all the citizens of the said Republic in all parts of the world.

ARTICLE II.

The President of the Republic of Chile especially engages within the space of two months after the

* Confirmed by Act of Parliament, 6 & 7 Vict. 52.

exchange of the ratifications, should the ordinary Congress then be in session, or within two months after the first subsequent ordinary meeting of the said Congress, to promulgate a law imposing the punishment attached to piracy on all Chilian citizens who shall, under any colour or pretext, take any part whatever in the traffic in slaves; and he, in like manner, engages to adopt from time to time, as may become needful, the most effectual measures for preventing the citizens of the said Republic of Chile from being concerned, and the flag of that Republic from being used, in carrying on in any way the traffic in slaves.

ARTICLE III.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the President of the Republic of Chile, hereby mutually engage, that, by an Additional Convention, hereafter to be concluded between the said High Contracting Parties to the present Treaty, they will concert and settle the details of the measures by which the law of piracy, which will become applicable to that traffic by the legislation of each of the two countries, shall be immediately and reciprocally carried into execution with respect to the vessels and subjects or citizens of each.

ARTICLE IV.

In order more completely to carry into effect the spirit of the present Treaty, the Two High Contracting Parties mutually consent that those ships of their navies respectively which shall be provided with special instructions for that purpose, as herein-after mentioned, may visit such merchant vessels of the two nations as may be suspected upon reasonable grounds of being engaged in the traffic in slaves, or of having been fitted out for the purposes thereof, or of having, during the voyage in which they are met by the said cruisers, been engaged in the traffic in slaves, contrary to the provisions of this Treaty; and that such cruisers may detain and send or carry away such vessels, in order that they may be brought to trial in the manner herein-after agreed upon.

ARTICLE V.

In order to regulate the mode of carrying the provisions of the preceding article into execution, it is agreed :—

First.—That all ships of the navies of the two nations which shall be hereafter employed to prevent the traffic in slaves shall be furnished by their respective Governments with a copy, in the English and Spanish languages, of the present Treaty ; of the instructions for cruizers annexed thereto, sub literâ A ; and of the regulations for the Mixed Courts of Justice annexed thereto, sub literâ B. ; which annexes shall be considered as an integral part of the Treaty.

Secondly.—That each of the High Contracting Parties shall from time to time communicate to the other the names of the several ships furnished with such instructions, the force of each ship, and the names of their several commanders.

Thirdly.—That if at any time there shall be just cause to suspect that any merchant vessel, sailing under the flag of either nation, and proceeding under the convoy of any ship or ships of war of either of the Contracting Parties, is engaged or is intended to be engaged in the traffic in slaves, or is fitted out for the purposes thereof, or has during the voyage on which she may be met with been engaged in the traffic in slaves, it shall be lawful for the commander of any ship of the navy of either of the two High Contracting Parties, furnished with such instructions as aforesaid, to visit such merchant vessel ; and such commander shall proceed to visit the same, in communication with the commanding officer of the convoy, who, it is hereby agreed, shall give every facility to the visit, and to the eventual detention of such merchant vessel, and in all things shall assist to the utmost of his power in the due execution of the present Treaty, according to the true intent and meaning thereof.

Fourthly.—It is further mutually agreed, that the commanders of the ships of the two navies respectively who shall be employed on this service shall adhere strictly to the exact tenor of the aforesaid instructions.

ARTICLE VI.

As the two preceding articles are entirely reciprocal, the two High Contracting Parties engage mutually to make good any losses which their respective subjects or citizens may incur by the arbitrary and illegal detention of their vessels; it being understood that this indemnity shall invariably be borne by the Government whose cruizer shall have been guilty of such arbitrary and illegal detention; and that the visit and detention of vessels specified in Article IV. of this Treaty shall only be effected by those British or Chilian ships which may form part of the navies (royal and national) respectively of the two High Contracting Parties to the Treaty, and by such ships only of those navies as shall be provided with the special instructions annexed to the present Treaty, in pursuance of the provisions thereof.

The compensation for damages, of which this article treats, shall be made within the term of one year, reckoned from the day on which the Mixed Court of Justice pronounces sentence on the vessel for the detention of which such compensation is claimed.

ARTICLE VII.

In order to bring to adjudication with as little delay and inconvenience as possible the vessels which may be detained according to the tenor of Article IV. of this Treaty, there shall be established, within the space of a year at furthest from the exchange of the ratifications of the present Treaty, two Mixed Courts of Justice formed of an equal number of individuals of the two nations named for this purpose by the two High Contracting Parties respectively.

These courts shall reside, one in a possession belonging to Her Britannic Majesty, the other within the territories of the Republic of Chile; and the two Governments, at the period of the exchange of the ratifications of the present Treaty, shall declare, each for its own territories, in what places the courts shall respectively reside; each of the two High Contracting Parties reserving to itself the right of changing, at its pleasure, the place of residence of the court held within its own territories; provided, however, that one of the two courts shall always

be held upon the coast of Africa, and the other in one of the possessions of the Republic of Chile.

These courts shall judge the causes submitted to them, according to the provisions of the present Treaty, without appeal, and according to the regulations and instructions which are annexed to the present Treaty, and which are considered as forming an integral part thereof.

ARTICLE VIII.

If the commanding officer of any of the ships of the navies of Great Britain and of Chile respectively, duly commissioned according to the provisions of Article IV. of this Treaty, shall deviate in any respect from the stipulations of the said Treaty, or from the instructions annexed to it, the Government which shall conceive itself to be wronged thereby shall be entitled to demand reparation; and in such case the Government to which such commanding officer may belong binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon the said officer a punishment proportioned to any wilful transgression which he may have committed.

ARTICLE IX.

It is hereby further mutually agreed, that every merchant vessel, British or Chilian, which shall be visited by virtue of the present Treaty, may lawfully be detained, and be sent or brought before the Mixed Courts of Justice established in pursuance of the provisions thereof, if in her equipment there shall be found any of the things herein-after mentioned, namely:—

First, hatches with open gratings, instead of the close hatches which are used in merchant vessels.

Secondly, divisions or bulkheads in the hold or on deck in a greater number than are necessary for vessels engaged in lawful trade.

Thirdly, spare plank, fitted for being laid down as a second or slave deck.

Fourthly, shackles, bolts, or handcuffs.

Fifthly, a larger quantity of water, in casks or in tanks, than is requisite for the consumption of the crew of the vessel as a merchant vessel.

Sixthly, an extraordinary number of water casks, or of other vessels for holding liquids; unless the master shall produce a certificate from the Custom House at the place from which he cleared outwards, stating that a sufficient security had been given by the owners of such merchant vessel that such extra quantity of casks or of other vessels should only be used for the reception of palm oil, or for other purposes of lawful commerce.

Seventhly, a greater quantity of mess tubs or kids than are requisite for the use of the crew of the vessel as a merchant vessel.

Eighthly, a boiler of an unusual size, and larger, or fitted for being made larger, than is requisite for the use of the crew of the vessel, as a merchant vessel; or more than one boiler of the ordinary size.

Ninthly, an extraordinary quantity either of rice; of the flour of Brazil, manioc, or cassada, commonly called farinha; of maize or Indian corn; or of any other article of food whatever, beyond what might probably be required for the use of the crew, such rice, flour, maize, Indian corn, or other article of food not being entered on the manifest as part of the cargo for trade.

Tenthly, a quantity of mats or matting greater than is necessary for the use of the crew of the vessel as a merchant vessel.

Any one or more of these several things, if proved, shall be considered as *prima facie* evidence of the actual employment of the vessel in the slave trade; and the vessel shall thereupon be condemned and be declared lawful prize, unless clear and incontestable evidence on the part of the master or owners shall establish to the satisfaction of the court that such vessel was, at the time of her detention or capture, employed in some legal pursuit, and that such of the several things above enumerated as were found on board her at the time of her detention, or had been put on board on the voyage on which the vessel, when captured, was proceeding, were needed for legal purposes on that particular voyage.

ARTICLE X.

If any of the things specified in the preceding article shall be found in any merchant vessel, no compensation for losses, damages, or expenses consequent upon the

detention of such vessel shall in any case be granted, either to her master or to her owner or to any other person interested in her equipment or lading, even though the Mixed Court of Justice should not pronounce any sentence of condemnation in consequence of her detention ; the intention of the two High Contracting Parties, in agreeing to the stipulation, being to discourage, by all the means at their disposal, the embarkation of stores of the class enumerated in the foregoing article, under any pretext or for whatever purpose they may be intended, and which, though discovered on board of a vessel not actually engaged or to be employed in the traffic in slaves, may be surreptitiously converted to the furtherance of the iniquitous designs of those who are or may hereafter be so, in contravention of the provisions of this Treaty.

ARTICLE XI.

It is hereby agreed between the two High Contracting Parties, that in all cases in which a vessel shall be detained under this Treaty by their respective cruisers, as having been engaged in the slave trade, or as having been fitted out for the purposes thereof, and shall consequently be adjudged and condemned by the Mixed Courts of Justice to be established as aforesaid, the said vessel shall, immediately after its condemnation, be broken up entirely, and shall be sold in separate parts, after having been so broken up.

ARTICLE XII.

The negroes who are found on board of a vessel detained by a cruiser, and condemned by the Mixed Courts of Justice, in conformity with the stipulations of this Treaty, shall be placed at the disposition of the Government whose cruiser has made the capture, on the distinct understanding that they shall be immediately set at liberty and kept free ; the Government to which they have been delivered guaranteeing the same, and likewise engaging to afford from time to time, and whenever demanded by the other High Contracting Party, the fullest information as to the state and condition of such negroes, with a view of ensuring the due execution of the Treaty in this respect.

For this purpose, the regulations annexed to this Treaty, sub literâ C., as to the treatment of negroes liberated by sentence of the Mixed Courts of Justice, have been drawn up, and are declared to form an integral part of this Treaty. The two High Contracting Parties reserve to themselves the right to alter or suspend, by common consent and mutual agreement, but not otherwise, the terms and tenor of such regulations.

ARTICLE XIII.

The acts or instruments annexed to the Treaty, and which it is mutually agreed shall form an integral part thereof, are as follow :

- a. Instructions for the ships of the navies of both nations destined to prevent the traffic in slaves.
- b. Regulations for the Mixed Courts of Justice which are to hold their sittings on the coast of Africa and in one of the possessions of the Republic of Chile.
- c. Regulations as to the treatment of liberated negroes.

ARTICLE XIV.

The present Treaty, consisting of fourteen articles, shall be ratified, and the ratifications thereof exchanged at Santiago, as soon as possible within the space of twelve months from this date.

In witness whereof the respective Plenipotentiaries have signed, in triplicate originals, English and Spanish, the present Treaty, and have thereunto affixed the seal of their arms.

Done at Santiago de Chile, this nineteenth day of January in the year of our Lord one thousand eight hundred and thirty-nine.

(L.S.)	JOHN WALPOLE.
(L.S.)	JOAQUIN TOCORNAL.

ANNEX A. to the TREATY between GREAT BRITAIN and
the REPUBLIC of CHILE for the Abolition of the
Traffic in SLAVES.

*Instructions for the Ships of the British and Chilian
Navies employed to prevent the Traffic in Slaves.*

ARTICLE I.

The commander of any ship belonging to the navy of Her Britannic Majesty or of the Republic of Chile which shall be furnished with these instructions shall have a right to visit, search, and detain any British or Chilian merchant vessel which shall be actually engaged or which shall be suspected to be engaged in the slave trade, or to be fitted out for the purposes thereof, or to have been engaged in the traffic in slaves during the voyage in which she may be met with by such ship of the British or Chilian navy; and such commander shall thereupon bring or send such merchant vessel, as soon as possible, for judgment before that one of the two Mixed Courts of Justice established in virtue of Article VII. of the said Treaty which shall be the nearest to the place of detention, or which such commander shall, upon his own responsibility, think can be soonest reached from such place.

ARTICLE II.

Whenever a ship of either of the said navies, duly authorised as aforesaid, shall meet a merchantman liable to be visited under the provisions of the said Treaty, the search shall be conducted in the mildest manner, and with every attention which ought to be observed between allied and friendly nations; and the search shall in all cases be made by an officer holding a rank not lower than that of lieutenant in the navy of Great Britain or Chile respectively (unless the command shall, by reason of death or otherwise, be held by an officer of inferior rank), or by the officer who at the time shall be second in command of the ship by which such search is made.

ARTICLE III.

The commander of any ship of the two navies, duly authorised as aforesaid, who may detain any merchant

vessel in pursuance of the tenor of the present instructions, shall leave on board the vessel so detained the master, the mate, or boatswain, and two or three at least of the crew thereof, the whole of the slaves, if any, and all the cargo.

The captor shall at the time of detention draw up in writing an authentic declaration, which shall exhibit the state in which he found the detained vessel, such declaration to be signed by himself, and to be given in or sent, together with the captured vessel, to the Mixed Court of Justice before which such vessel shall be carried or sent for adjudication.

He shall deliver to the master of the detained vessel a certified list of the papers seized on board the same, as well as of the number of slaves found on board at the moment of detention.

In the authenticated declaration which the captor is hereby required to make, as well as in the certified list of the papers seized, he shall insert his own name, the name of the capturing ship, the latitude and longitude of the place where the detention shall have taken place, and the number of slaves found on board the vessel at the time of the detention.

The officer in charge of the vessel detained shall, at the time of his bringing the vessel's papers into the Mixed Court of Justice, deliver in to the court a paper, signed by himself, and verified on oath, stating any changes which may have taken place in respect to the vessel, her crew, the slaves (if any), and her cargo, between the period of her detention and the time of delivering in such paper.

ARTICLE IV.

The slaves shall not be disembarked till after the vessel which contains them shall have arrived at the place of adjudication, in order that, in the event of the vessel not being adjudged legal prize, the loss of the proprietors may be more easily repaired; and even after the slaves have arrived at such place they are not to be landed without the permission of the Mixed Court of Justice.

But if urgent reasons, deduced from the length of the voyage, from the state of health of the slaves, or from other causes, should require that either the whole or a portion of the negroes should be disembarked before the

vessel can arrive at the place at which one of the said courts is established, the commander of the capturing ship may take upon himself the responsibility of so disembarking the negroes, provided that such necessity, and the causes thereof, be stated in a certificate in proper form, and that this certificate be entered at the time on the log-book of the detained vessel.

The undersigned Plenipotentiaries have agreed, in conformity with Article XIII. of the Treaty signed by them on this day, the nineteenth of January 1839, that the preceding instructions, consisting of four articles, shall be annexed to the said Treaty, and be considered as an integral part thereof.

The nineteenth day of January one thousand eight hundred and thirty-nine.

{ L.S. }	JOHN WALPOLE.
{ L.S. }	JOAQUIN TOCORNAL.

ANNEX B. to the TREATY between GREAT BRITAIN and the REPUBLIC of CHILE for the Abolition of the Traffic in Slaves.

Regulations for the Mixed Courts of Justice which are to reside on the Coast of Africa and in the Possessions of the Republic of Chile.

ARTICLE I.

The Mixed Courts of Justice to be established under the provisions of the Treaty, of which these regulations are declared to be an integral part, shall be composed in the following manner: Each of the two High Contracting Parties shall name a judge and an arbitrator, who shall be authorised to hear and to decide without appeal all cases of the capture or detention of vessels which, in pursuance of the stipulations of the aforesaid Treaty, shall be brought before them. The judges and the arbitrators shall, before entering upon the duties of their office, respectively make oath before the principal magistrate of the places in which such courts respectively shall reside, that they will judge fairly and faithfully; that they will have no preference either for the claimants or the captors; and that they will act, in all their decisions, in pursuance of the stipulations of the aforesaid Treaty.

There shall be attached to each of such courts a secretary or registrar, who shall be appointed by the Government of the country within the territories of which such courts shall reside. Such secretary or registrar shall register all the acts of such court, and shall, before he enters upon his office, make oath before the court to which he is appointed that he will conduct himself with due respect for its authority, and will act with fidelity and impartiality in all matters relating to the said office.

The salary of the secretary or registrar of the court to be established on the coast of Africa shall be paid by Her Britannic Majesty, and that of the secretary or registrar of the court to be established in the possessions of the Republic of Chile shall be paid by the Government of that republic.

Each of the Governments shall defray half of the aggregate amount of the incidental expenses of such courts.

ARTICLE II.

The expenses incurred by the officer charged with the reception, maintenance, and care of the detained vessel, slaves, and cargo, and with the execution of the sentence, and all disbursements occasioned by bringing a vessel to adjudication, shall, in case of condemnation, be defrayed from the funds arising from the sale of the materials of the broken-up vessel, of the ship's stores, and of such parts of the cargo as shall consist of merchandise. And in case the proceeds arising from this sale should not prove sufficient to defray such expenses, the deficiency shall be made good by the Government of the country within whose territories the adjudication shall have taken place.

If the detained vessel shall be released, the expenses occasioned by bringing her to adjudication shall be defrayed by the captor, except in the cases specified and otherwise provided for under Article X. of the Treaty to which these regulations form an Annex, and under Article VII. of these regulations.

ARTICLE III.

The Mixed Courts of Justice are to decide upon the legality of the detention of such vessels as the cruizers

of either nation shall, in pursuance of the said Treaty, detain.

These courts shall adjudge definitively, and without appeal, all questions which shall arise out of the capture and detention of such vessels.

The proceedings of these courts shall take place with as little delay as possible; and for this purpose the courts are required to decide each case, as far as may be practicable, within the space of twenty days, to be dated from the day on which the detained vessel shall have been brought into the port where the deciding court shall reside.

The final sentence shall not in any case be delayed beyond the period of two months, whether on account of the absence of witnesses or for any other cause, except upon the application of any of the parties interested, in which case, upon such party or parties giving satisfactory security that they will take upon themselves the expense and risks of the delay, the courts may, at their discretion, grant an additional delay, not exceeding four months. Either party shall be allowed to employ such counsel as he may think fit to assist him in the conduct of his cause.

All the essential parts of the proceedings of the said courts shall be written down in the language of the country in which the courts shall respectively reside.

ARTICLE IV.

The form of the process shall be as follows :—

The judges appointed by the two nations respectively shall in the first place, proceed to examine the papers of the detained vessel, and to take the depositions of the master or commander, and of two or three at least of the principal individuals on board such vessel, as well as the declaration on oath of the captor, should such declaration appear necessary to enable them to judge and to pronounce whether the said vessel has been justly detained or not, according to the stipulations of the aforesaid Treaty, so that, according to the judgment pronounced, the vessel may be condemned or released.

In the event of the two judges not agreeing as to the sentence which they ought to pronounce, in any case brought before them, either with respect to the legality of the detention, or the liability of the vessel to con-

demnation, or the compensation to be allowed, or as to any other question which may arise out of the said capture, or if any difference of opinion should arise between them as to the mode of proceeding in the said court, they shall draw by lot the name of one of the two arbitrators appointed as aforesaid, which arbitrator, after having considered the proceedings which have taken place, shall consult with the two above-mentioned judges, and the final sentence or decision shall be pronounced conformably to the opinion of the majority of the three.

ARTICLE V.

If the detained vessel shall be restored by the sentence of the court, the vessel and the cargo, in the state in which they shall be then found, shall forthwith be given up to the master or the person who represents him; and such master or other person may, before the same court, claim to have a valuation made in order to ascertain the amount of the damages to which he shall be entitled. The captor himself, and in his default, his Government, shall remain responsible for the damages which may definitively be pronounced to be due to the master of such vessel, or to the owner of the vessel or of her cargo.

The two High Contracting Parties bind themselves to pay, within the term of a year from the date of the sentence, the costs and damages which may be awarded by the above-named court, it being mutually understood and agreed that such costs and damages shall be made good by the Government of the country of which the captor shall be a subject or citizen.

ARTICLE VI

If the detained vessel shall be condemned, she shall be declared lawful prize, together with her cargo, of whatever description it may be, with the exception of the slaves who shall have been brought on board for the purpose of commerce: and the said vessel, in conformity with the regulations in Article XI. of the Treaty of this date, shall, as well as her cargo, be sold by public sale for the profit of the two Governments, subject to the payment of the expenses herein-before mentioned.

The slaves shall receive from the court a certificate of emancipation, and shall be delivered over to the Government to whom belongs the cruizer which made the capture, to be dealt with according to the regulations and conditions contained in the Annex to this Treaty sub literâ C.

The charges incurred for the support and for the return voyage of the commanders and crews of condemned vessels shall be defrayed by the Government of which such commanders and crews are the subjects or citizens.

ARTICLE VII.

The Mixed Courts of Justice shall also take cognisance of and shall decide definitively and without appeal all claims for compensation on account of losses occasioned to vessels and cargoes detained under the provisions of this Treaty, but which shall not have been condemned as legal prize by the said courts; and in all cases wherein restitution of such vessels and cargoes shall be decreed (save as mentioned in Article X. of the Treaty to which these regulations form an Annex, and in a subsequent part of these regulations), the court shall award to the claimant or claimants, or to his or their lawful attorney or attorneys, for his or their use, a just and complete indemnification for all costs of suit, and for all losses and damages which the owner or owners may have actually sustained by such capture and detention, that is to say:—

First, in case of total loss, the claimant or claimants shall be indemnified,—

- A. For her ship, her tackle, equipment, and stores.
- B. For all freights due and payable.
- C. For the value of the cargo of merchandise, if any, deducting all charges and expenses payable upon the sale of such cargo, including commission of sale.
- D. For all other regular charges in such case of total loss.

Secondly. In all other cases not of total loss, save as herein-after mentioned, the claimant or claimants shall be indemnified,—

- A. For all special damages and expenses occasioned to the ship by the detention, and for loss of freight when due or payable.

B. For demurrage, according to the schedule annexed to the present article.

C. For any deterioration of the cargo.

D. For all premium of insurance on additional risk.

Further, the claimant or claimants shall be entitled to interest at the rate of five per cent. per annum on the sum awarded until such sum is paid by the Government to which the capturing ship belongs. The whole amount of such indemnifications shall be calculated in the money of the country to which the detained vessel belongs, and shall be paid at the rate of exchange current at the time of the award.

The two High Contracting Parties, however, have agreed, that if it shall be proved to the satisfaction of the judges of the two nations, and without recourse to the decision of an arbitrator, that the captor has been led into error by the fault of the master or commander of the detained vessel, the detained vessel in that case shall not have the right of receiving, for the time of her detention, the demurrage stipulated by the present article, nor any other compensation for losses, damages, or expenses consequent on such detention.

SCHEDULE of demurrage or daily allowance for a vessel of—

100 to 120 tons inclusive	- £5 per diem.
121 to 150 ,,	- 6 ,,
151 to 170 ,,	- 8 ,,
171 to 200 ,,	- 10 ,,
201 to 220 ,,	- 11 ,,
221 to 250 ,,	- 12 ,,
251 to 270 ,,	- 14 ,,
271 to 300 ,,	- 15 ,,

and so on in proportion.

ARTICLE VIII

Neither the judges nor the arbitrators, nor the secretaries of the Mixed Courts of Justice, shall demand or receive from any of the parties concerned in the cases which shall be brought before such courts any emolument or gift, under any pretext whatsoever, for the performance of the duties which such judges, arbitrators, and secretaries have to perform.

ARTICLE IX.

The two High Contracting Parties have agreed, that in the event of the death, sickness, absence on leave, or other legal impediment of one or more of the judges or arbitrators composing the above-mentioned courts respectively, the post of such judges or of such arbitrator shall be supplied *ad interim* in the following manner :—

First. On the part of Her Britannic Majesty, and in that court which shall sit within the possessions of Her said Majesty, if the vacancy be that of the British judge, his place shall be filled by the British arbitrator; and either in that case, or if the vacancy be originally that of the British arbitrator, the place of such arbitrator shall be filled successively by the Governor or Lieutenant-Governor resident in such possession, by the principal magistrate of the same, and by the secretary of the Government; and the said court so constituted as above shall sit, and in all cases brought before them for adjudication shall proceed to adjudge the same, and to pass sentence accordingly.

Secondly. On the part of Great Britain, and in that court which shall sit within the possessions of the Republic of Chile, if the vacancy be that of the British judge, his place shall be filled by the British arbitrator; and either in that case, or if the vacancy be originally that of the British arbitrator, the place of British arbitrator shall be filled successively by the British Consul and Vice-Consul, if there be a British Consul or British Vice-Consul appointed to and resident in such possession, and if the vacancy be both of the British judge and of the British arbitrator, then the vacancy of the British judge shall be filled by the British Consul, and that of the British arbitrator by the British Vice-Consul, if there be a British Consul and a British Vice-Consul appointed to and resident in such possession; and if there shall be no British Consul or British Vice-Consul to fill the place of British arbitrator, then the Chilean arbitrator shall be called in in those cases in which a British arbitrator, if there were any, would be called in; and in case the vacancy be both of the British judge and British arbitrator, and there be neither British Consul nor British Vice-Consul to fill *ad interim* the vacancies, then the Chilean judge and the Chilean arbitrator shall sit, and in all cases brought

before them for adjudication shall proceed to adjudge the same, and pass sentence accordingly.

Thirdly. On the part of the Republic of Chile, and in that court which shall sit within the territories of the said republic, if the vacancy be that of the Chilean judge, his place shall be filled by the Chilean [arbitrator ; and either in that case, or if the vacancy be originally that of the Chilean arbitrator, the place of such Chilean arbitrator shall be filled by the Intendant Governor of the province in which the said tribunal shall reside, or by the Military Governor of Valparaiso, if the tribunal should reside in Valparaiso ; and the said court, so constituted as above, shall sit, and in all cases brought before them for adjudication shall proceed to adjudge the same, and pass sentence accordingly.

Fourthly. On the part of Chile, and in that court which shall sit within the possessions of Her Britannic Majesty, if the vacancy be that of the Chilean judge, his place shall be filled by the Chilean arbitrator ; and either in that case, or if the vacancy be originally that of the Chilean arbitrator, the place of Chilean arbitrator shall be filled successively by the Chilean Consul and Chilean Vice-Consul, if there be a Chilean Consul or Vice-Consul appointed to and resident in such possession ; and if the vacancy be both of the Chilean judge and of the Chilean arbitrator, then the vacancy of the Chilean judge shall be filled by the Chilean Consul, and that of the Chilean arbitrator by the Chilean Vice-Consul, if there be a Chilean Consul and a Chilean Vice-Consul appointed to and resident in such possession ; and in the case in which there be no Chilean Consul or Vice-Consul to fill the place of Chilean arbitrator, then the British arbitrator shall be called in in those cases in which a Chilean arbitrator would be called in ; and in case the vacancy be both of the Chilean judge and Chilean arbitrator, and there be neither Chilean Consul nor Chilean Vice-Consul to fill ad interim the vacancies, then the British judge and British arbitrator shall sit, and in all cases brought before them for adjudication shall proceed to adjudge the same, and pass sentence accordingly.

The highest civil authority of the settlement wherein either of the Mixed Courts of Justice shall sit shall, in the event of a vacancy arising either of the judge or the arbitrator of the other High Contracting Party, forthwith give notice of the same to the highest civil

authority of the nearest settlement of such other High Contracting Party, in order that such vacancy may be supplied at the earliest possible period; and each of the High Contracting Parties agrees to supply definitively as soon as possible the vacancies which may arise in the above-mentioned courts from death or from any other cause whatever.

The undersigned Plenipotentiaries have agreed, in conformity with Article XIII. of the Treaty signed by them on this day, the nineteenth of January, 1839, that the preceding regulations, consisting of nine articles, shall be annexed to the said Treaty, and considered as an integral part thereof.

The nineteenth day of January one thousand eight hundred and thirty-nine.

(L.S.)	JOHN WALPOLE.
(L.S.)	JOAQUIN TOCORNAL.

ANNEX C. to the TREATY between GREAT BRITAIN and the REPUBLIC of CHILE for the Abolition of the Traffic in Slaves.

Regulations for the good Treatment of liberated Negroes.

ARTICLE I.

The object and spirit of these regulations is to secure to negroes liberated by virtue of the stipulations of the Treaty to which these regulations form an Annex (marked C.) permanent good treatment, and full and complete freedom, in conformity with the humane intentions of the High Contracting Parties.

ARTICLE II.

Immediately after sentence of condemnation shall have been passed by a Mixed Court of Justice established under the Treaty to which these regulations form an Annex, on a vessel charged with being concerned in illegal slave trade, all negroes who were on board such vessel, and who were brought on board for the purpose of traffic, shall be delivered over to the Government to whom belongs the cruiser which made the capture.

ARTICLE III.

If the cruizer which made the capture is British, the British Government engages that the negroes shall be treated in exact conformity with the laws in force in the British colonies for the regulation of free or of emancipated negroes.

ARTICLE IV.

If the cruizer which made the capture is Chilian, then the negroes shall be delivered over to the Chilian authorities of that place in the dominions of Chile in which the Mixed Court of Justice is established; and the Chilian Government solemnly engages that such negroes shall there be treated strictly according to the regulations actually in force in Chile with respect to free negroes, or according to such regulations as may in future be established in Chile in this respect, and which regulations shall always have in view the humane object of securing honestly and faithfully to emancipated negroes the unmolested enjoyment of their liberty, good treatment, a knowledge of the tenets of the Christian religion, advancement of morality and civilisation, and sufficient instruction in the mechanical arts, in order that the said emancipated negroes may be enabled to earn their own subsistence, whether as artisans, mechanics, or servants.

ARTICLE V

For the purpose which is explained in Article VI there shall be kept in the office of the Governor of the part of the possessions of the Republic of Chile where the Mixed Court of Justice resided a register of all emancipated negroes, in which shall be entered, with scrupulous exactness, the names given to the negroes, the names of the vessels in which they were captured, the names of the persons to whose care they have been committed, and any other circumstances likely to contribute to the end in view.

ARTICLE VI.

The register to which the preceding article refers will serve to form a general return, which the Governor of

that part of the possessions of the Republic of Chile where the Mixed Court of Justice resides shall be bound to deliver, every six months, to the aforesaid Mixed Commission, in order to show the existence of the negroes emancipated under this Treaty, the improvement made in their condition, and the progress made in their religious and moral instruction, and in the arts of life. The aforesaid return shall also specify the names and descriptions of such of the emancipated negroes as shall have died during the period for which the return is made up.

ARTICLE VII.

The High Contracting Parties agree, that if in future it should appear necessary to adopt new measures, in consequence of those laid down in this Annex turning out inefficacious, the said High Contracting Parties will consult together, and will agree upon other means being adapted for the complete attainment of the objects proposed.

ARTICLE VIII.

The undersigned Plenipotentiaries have agreed, in conformity with Article XIV. of the Treaty signed by them on this day, the nineteenth of January, 1839, that this Annex, consisting of eight articles, shall be united to the said Treaty, and be considered an integral part thereof.

The nineteenth day of January one thousand eight hundred and thirty-nine.

(L.S.)	JOHN WALPOLE.
(L.S.)	JOAQUIN TOCORNAL.

ARTICLES ADDITIONAL to the Treaty concluded this nineteenth day of January, 1839, between Her Britannic Majesty and the Republic of Chile for the Suppression of the Slave Trade.

ARTICLE I.

It is agreed and understood, that if there should be any delay in appointing the judge and the arbitrator to

be nominated on the part of the Republic of Chile to act in each of the Mixed Courts of Justice to be established under this Treaty, or if those officers, after being appointed, should at any time be absent, then and in either of such cases the judge and arbitrator appointed on the part of Her Britannic Majesty, and present in the said courts, shall, in the absence of the Chilian judge and arbitrator, proceed to open the said courts, and to adjudge such cases as may be brought before them under the Treaty; and the sentence pronounced upon such cases by the said British judge and arbitrator shall have the same force and validity as if the judge and the arbitrator on the part of Chile had been appointed, and had been present and acting in the Mixed Courts in the cases in question.

ARTICLE II.

It is also agreed, notwithstanding the provisions of the first article of the Annex B., that so long as no Chilian judge and arbitrator are nominated it will be unnecessary for the Republic of Chile to nominate the secretary or actuary mentioned in the said article; that in the meanwhile the secretary or actuary of the court which may exist within the territory of the Republic of Chile shall be named and paid by the Government of Her Britannic Majesty; and that the entire expense of both the courts to be established under this Treaty shall be borne by the Government of Her Britannic Majesty.

The present Additional Articles shall form an integral part of the Treaty for the suppression of the slave trade signed this day, and shall have the same force and validity as if they were inserted word for word in that Treaty, and shall be ratified within twelve months, or sooner if possible.

Done at Santiago de Chile, this nineteenth day of January in the year of our Lord one thousand eight hundred and thirty-nine.

(L.S.)
(L.S.)

JOHN WALPOLE.
JOAQUIN TOCORNAL.

CONVENTION ADDITIONAL to and Explanatory of the Treaty concluded at Santiago, January 19, 1839, between Her Majesty and the Republic of Chile, for the Abolition of the Traffic in Slaves. Signed at Santiago, August 7, 1841.

[*Ratifications exchanged at Santiago, August 6, 1842.*]

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the President of the Republic of Chile, animated always with the most lively desire to co-operate for the abolition of the traffic in slaves in all parts of the world, and to avoid renewed delays in the fulfilment of the obligations which they have mutually resolved to impose on themselves by the Treaty signed on the nineteenth of January 1839, which unhappily could not be carried into effect, the ratifications not having been exchanged within the period therein stipulated, have agreed to proceed to the celebration of the Convention which may give full force and vigour, in all which shall not be expressly altered by it, to the stipulations contained in the said Treaty. For this purpose they have named for their Plenipotentiaries, to wit :—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Honourable John Walpole, Her Britannic Majesty's Consul General in the Republic of Chile; and the Republic of Chile, Don Ramon Luis Yrarrázaval, Minister of State for the Departments of the Interior and Foreign Relations; who, having mutually communicated their full powers, and found them in due form, have arranged and agreed to the following articles :—

ARTICLE I.

The two High Contracting Parties recognise as valid and existing all the obligations which it was their intention respectively to contract by all and each of the Articles of the Treaty of the nineteenth of January 1839, to co-operate for the effectual and complete abolition of the slave trade, and by all and each of the articles of the Annexes marked A., B., and C., and by the two separate Additional Articles, which, as therein stipulated, ought and are to be considered as integral parts of the above-mentioned Treaty, all in the same manner as if the

above-mentioned Treaty formed an integral part of the present Convention, and was inserted word for word in it, saving, however, the exceptions and modifications which are hereafter expressed.

ARTICLE II.

The power which by the Articles IV. and V. of the above-mentioned Treaty of the nineteenth of January 1839 is conceded to the vessels of the navies of the two nations which shall be employed in impeding the traffic in slaves to visit the merchant vessels of both which may be found in the case indicated in Article IV., already referred to, and in order that in consequence of the visit they may proceed with respect to their vessels and their cargo in accordance with the instructions in Annex A., shall not be understood as yielded unless to be exercised solely and exclusively in the places which are hereafter expressed; that is to say:

1st. Along the western coast of Africa, from the 40th degree of south latitude to the 25th degree of north latitude, and to the 27th degree of west longitude, calculated from the meridian of Greenwich.

2nd. All round the island of Madagascar, to the extent of twenty leagues from that island;

3rd. The same distance from the coasts of the island of Cuba;

4th. The same distance from the coasts of the island of Puerto Rico; and

5th. The same distance from the coasts of Brazil.

Nevertheless, if a vessel of which suspicion should be entertained, and which should have been chased whilst within the assigned limits, should succeed in passing them, it may be searched, provided that it has not been lost sight of during the chase.

ARTICLE III.

The before-mentioned Treaty, and the present Convention, shall be respectively ratified by Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and by the President of the Republic of Chile; and the ratifications of both shall be exchanged within one year, reckoned from the date of the present Convention, or sooner if possible.

In faith of which the respective Plenipotentiaries have signed three copies of the present Convention in the English language and other three in the Spanish language, and have sealed them with their arms.

Done in the city of Santiago, the seventh day of August in the year of our Lord one thousand eight hundred and forty-one.

(L.S.)	JOHN WALPOLE.
(L.S.)	RAMON LUIS YRARRAZAVAL

COLOMBIA.

(*See New Granada, p. 143*)

COSTA RICA.

Your attention is called to the following Article in the Treaty of Friendship, Commerce, and Navigation signed between Great Britain and Costa Rica on the 27th of November, 1849 :—

XIV. The Government of the Republic of Costa Rica, in order to co-operate with Her Britannic Majesty for the total abolition of the Slave Trade, engages to execute perfectly the laws of the said Republic, which prohibit in the most effectual manner all persons inhabiting within the territories of the Republic of Costa Rica, or in places subject to their jurisdiction, from taking any share in such trade.

DOMINICA.

The Treaty Engagement in force between Great Britain and the Dominican Republic for the suppression of the Slave Trade, to which your attention is particularly directed, is :—

Article IX. of the Treaty of Friendship, Commerce, and Navigation, dated the 6th of March, 1850.

You will be guided in your dealings with Vessels sailing under the Dominican Flag by the instructions given you at page 113, in regard to Haytian Vessels, excepting only that no special Warrant from the Dominican Government is required for the exercise of your powers, and that any vessels which you may seize under the Dominican Flag shall be sent without delay to the Port of Santo Domingo, in the Dominican Republic.

DOMINICA.

Treaty of Peace, Amity, Commerce, and Navigation
between Great Britain and the Dominican Republic,
signed at Santo Domingo, March 6, 1850.

[*Ratifications exchanged at Santo Domingo,*
September 10, 1850.]

ARTICLE IX.

Slavery being perpetually abolished in the Dominican Republic, and having been already declared by her an act of piracy punishable with the pain of death, the Dominican Republic engages to permit any British vessel of war which may be furnished with special instructions under the Treaties between Great Britain and foreign Powers, and with the formalities as are provided for in such cases by the said Treaties relative to the prevention of the infamous Slave Trade, to visit any Vessels sailing under the Dominican Flag which may, on reasonable grounds, be suspected of being engaged in this vile trade in Slaves ; it being understood that the distances and places between which the right of visit shall be exercised, as moreover expressed in the Treaties with other Powers for Cuba and Porto Rico, shall likewise refer to the same distance of 20 leagues from the Coasts of the Dominican Republic ; and if by the result of the visit it should appear to the Officer in command of such British vessel of war, that the suspicions which led thereto are well grounded, the Vessel shall be sent without delay to the Port of Santo Domingo in the Dominican Republic, and shall be delivered up to the Local Authorities to be proceeded against according to the laws of the Republic.

It is understood that the present Article shall not be extended to other cases which might occasion detentions and inconveniences to the Dominican vessels in their voyages and commercial enterprises, during which, on the contrary, they are authorised to expect protection and assistance ; hence, if the case should arise, which, however, is not to be supposed, that the Dominican Republic should consider to receive by this concession any vexatious molestations, it rests with her to withdraw it, after having given a year previous due notice thereof.

EQUATOR.

The Treaty Engagements in force between Great Britain and Equator for the Suppression of the Slave Trade, to which your attention is particularly directed, are :—

The Treaty dated the 24th of May 1841, and the Annexes A., B., and C. thereto ;

The additional Articles thereto, dated respectively the 24th of May 1841, and the 15th of January 1846.

The Treaty does not prescribe any Limits within which you are authorised to exercise the powers of Visit, Search, and Detention over Equatorian Vessels.

Treaty,
Art. V., 3.

If you have reason to suspect that a Vessel sailing under the Escort or Convoy of an Equatorian cruiser is engaged in or equipped for the Slave Trade, you will communicate your suspicions to the Commander of the Convoy, and offer to accompany him in a Visit to the suspected Vessel. If your suspicions prove to be well founded, the right to take further proceedings with respect to the Vessel will rest with the Commander of the Convoy ; but, should he decline to exercise the right, you will, on obtaining his consent, but not otherwise, detain her, provided that the Vessel is, by reason of her Nationality, subject to your Authority. In like manner, if a Commander of an Equatorian Ship, duly authorised under the Treaty, communicates to you his suspicions that a Vessel under your Convoy is engaged in or equipped for the Slave Trade, you will invite him to accompany you in a Visit to the suspected Vessel ; and you will take care that the Visit is conducted in a strict and satisfactory manner. In the event of the suspicions proving well founded you will detain the Vessel, provided that, by reason of her Nationality, she is subject to your Authority. You will by the first opportunity send a full Report of the Case, together with your own remarks thereon, to the Senior Officer of your Division, and a Duplicate thereof to the Secretary of the Admiralty.

The Visit and Search of an Equatorian Vessel shall not be made by an Officer of a Rank lower than that of Lieutenant, unless he is at the time second in command of the Ship. Annex A
Art. II.

If the Visit and Search is made by yourself in person, the Authority is the Copy of Annex A. to the Treaty which you will find at page 96 ; if made by an Officer under your command, it is a Copy, signed by yourself, of the said Annex. The Authority shall be exhibited to the Master before the Visit is commenced. Treaty,
Art. IV., 3.

If it shall appear that the Vessel is engaged in lawful commerce, the Visiting Officer will enter upon her Log Book, in addition to the particulars specified in Sections 32 and 46,* a Certificate that the Visit was made only in virtue of the Authority above mentioned. Treaty,
Art. IV., 3.

The Visiting Officer shall, before commencing the Search, deliver to the Master of the Vessel the Certificate No. 1 or No. 2,† according to circumstances. Treaty,
Art. IV., 3.

The Treaty is designed against the African Slave Trade exclusively, and expressly reserves to Equatorian Citizens the right of transporting Slaves previously resident in Equator from one part of the Republic to another, whether for sale or otherwise. Treaty, Art. I

Copies of the Certificates, Nos. 3 and 4† respectively required to be made on the Detention of a Vessel, shall be delivered to the Master. Annex A.
Art. III.

The proper Port of Adjudication for an Equatorian Vessel is Sierra Leone, that being at present the only Port at which there is a Mixed Court of Justice established in pursuance of the Treaty. Treaty,
Art. VII.

A copy of the Certificate No. 9,† required to be made on the removal of any Person or Article from the Detained Vessel, shall be inserted on her Log Book. Annex A.
Art. IV.

The Slaves shall not be landed at the Port of Adjudication until permission has been obtained from the Mixed Court of Justice. Annex A.
Art. IV.

* See Vol. I, pages 6 and 8.

† See Appendix to the General Instructions, Vol. I, page 21.

EQUATOR.

TREATY* between HER MAJESTY and the REPUBLIC of the EQUATOR for the Abolition of the Traffic in Slaves. Signed at Quito, May 24, 1847.

[Ratifications exchanged at Quito, July 5, 1847.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Republic of the Equator, being equally animated by a sincere desire to co-operate for the utter extinction of the infamous and piratical traffic in slaves, have resolved to conclude a Treaty for the special purpose of attaining this object, and have named for this purpose as their Plenipotentiaries, to wit :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Walter Cope, Esq., Her Majesty's Consul in the Equator ;

And the Republic of the Equator, Señor Francisco Marcos, Secretary of State for the Interior and Foreign Affairs ;

Who, having duly communicated to each other their respective full powers, and found them to be in proper form, have agreed upon and concluded the following Articles :—

ARTICLE I.

Great Britain and the Republic of the Equator declare the traffic in slaves abolished for ever. And in order to avoid any doubts that may hereafter occur from any circumstance proving prejudicial to the interests of commerce and navigation, for want of a proper explanation of the real spirit of the phrase "traffic in slaves," do here mutually declare to be understood by such traffic such only which is carried on in negroes brought from Africa, in order to transport them to other parts of the world for sale ; but in no manner whatever the conveying from one port or place to another belonging to the Republic

* Confirmed by Act of Parliament, 11 and 12 Vict. c. 116.

EQUATOR.

the slaves existing within it, be such undertaken either with the object of selling them, or with any other not prohibited by the laws.

ARTICLE II.

The Republic of the Equator agrees to treat as pirates, and to punish with the penalties which the existing penal laws impose on pirates, all such Equatorians who, on the high seas, or in any other place under the jurisdiction of the Republic, may be found embarking, transporting or disembarking one or more persons brought from Africa as slaves.

ARTICLE III.

The Republic of the Equator will promulgate every other legislative provision that may be deemed requisite for the prevention of her citizens engaging in any way in the said traffic in slaves, and for the complete extinction thereof; seeing that the same are in harmony with those which may be promulgated by Great Britain for the like object, and with the constitutional principles of the Republic.

ARTICLE IV.

In order more completely to prevent all infringement of the spirit of the present Treaty, the High Contracting Parties mutually consent that those ships of their respective navies which shall be provided with special instructions for that purpose, as hereinafter mentioned, may visit such merchant vessels of the two nations as may upon reasonable grounds be suspected of being engaged in the traffic in slaves, or of having been fitted out for that purpose, or of having, during the voyage on which they are met by the said cruisers, been engaged in the traffic of slaves, contrary to the provisions of this Treaty; and that such cruisers may detain, and send or carry away such vessels, in order that they may be brought to trial in the manner hereinafter agreed upon.

In order to fix the reciprocal right of search in such a manner as shall be adapted to the attainment of the object of this Treaty, and at the same time to avoid

doubts, disputes, or complaints, the right of search shall be understood in the form and according to the rules following :—

First. It shall never be exercised except by vessels of war authorised expressly for that object, according to the stipulations of this Treaty.

Secondly. In no case shall the right of search be exercised with respect to a vessel of the royal or national navy of either of the two powers, but only as regards merchant vessels.

Thirdly. Whenever a merchant vessel is searched by a ship of war, the commander of the said ship shall, in the act of so doing, exhibit to the commander of the merchant vessel the document by which he is duly authorised to that end ; and shall deliver to him a certificate, signed by him, stating his rank in the naval service of this country and the name of the vessel he commands, and which also declares that the only object of the search is to ascertain whether the vessel is employed in the slave trade, or if it is fitted up for the said traffic. When the search is made by an officer of the cruizer who is not the commander, the said officer shall exhibit to the captain of the merchant vessel a copy of the before-mentioned special orders, signed by the commander of the cruizer ; and in like manner deliver a certificate, signed by him, stating his rank in the navy, the name of the commander by whose orders he proceeds to make the search, that of the cruizer in which he sails, and the object of the search, as has been already laid down. If it appears from the search that the papers of the vessel are in regular order, and that it is employed on licit objects, the officer shall then enter in the log-book of the vessel that the search has been made in pursuance of the aforesaid special orders, and the vessel shall be left at liberty to pursue its voyage. The rank of the officer who makes the search must not be less than that of lieutenant of the royal or national navy, unless the command, either by reason of death or other cause, is at the time held by an officer of inferior rank.

ARTICLE V.

In order to regulate the mode of carrying the provisions of the preceding Article into execution, it is agreed,—

First. That all the ships of the respective navies of the two nations which shall be hereafter employed to prevent the traffic in slaves shall be furnished by their respective Governments with a copy, in the English and Spanish languages, of the present Treaty, of the instructions for cruizers annexed thereto, marked A., and of the regulations for the Mixed Courts of Justice annexed thereto marked B. ; which Annexes respectively shall be considered as integral parts of the Treaty.

Secondly. That each of the High Contracting Parties shall from time to time communicate to the other the names of the several ships furnished with such instructions, the force of each, and the name of their several commanders. The said commanders ought to hold the rank of captain in the navy, or at least of lieutenant; it being nevertheless understood, that the instructions originally issued to an officer holding the rank of lieutenant of the navy, or other superior rank, shall be sufficient, in case of death or temporary absence of the same, to authorise the officer on whom the command of the vessel has devolved to make the search, although the said officer may not hold the aforesaid rank in the service.

Thirdly. That if at any time the commander of a cruiser of either of the two nations shall suspect that any merchant vessel under the escort or convoy of any ship or ships of war of the other nation carries slaves on board, or has been engaged in the traffic of slaves, or is fitted out for the purpose thereof, the said commander of the cruiser shall communicate his suspicions to the commander of the convoy, who, accompanied by the commander of the cruiser, shall proceed to the search of the suspected vessel; and in case that the suspicions appear well founded, according to the tenor of this Treaty, then the said vessel shall be conducted or sent to one of the points where the Mixed Courts of Justice are stationed, in order that the just sentence may there be pronounced.

Fourthly. It is further mutually agreed, that the commanders of the ships of the two navies respectively who shall be employed on this service shall adhere strictly to the exact tenor of the aforesaid instructions.

ARTICLE VI.

As the two preceding Articles are entirely reciprocal, the two High Contracting Parties engage mutually to make good any losses which their respective subjects may incur by the arbitrary and illegal detention of their vessels: it being understood, that this indemnity shall be borne by the Government whose cruizer shall have been guilty of such arbitrary and illegal detention; and that the visit and detention of vessels specified in the 4th Article of this Treaty, shall only be effected by those British and Equatorian ships which may form part of the two respective navies; and by such of those ships only as are provided with the special instructions annexed to the present Treaty, in pursuance of the provisions thereof. The indemnification for the damage of which this Article treats shall be made within the term of one year, reckoning from the day in which the Mixed Court of Justice pronounces its sentence on the vessel for the detention of which such compensation is claimed.

ARTICLE VII.

In order to bring to adjudication, with as little delay and inconvenience as possible, the vessels which may be detained according to the tenor of the 4th Article of this Treaty, there shall be established, as soon as may be practicable, two Mixed Courts of Justice, formed of an equal number of individuals of the two nations, and named for this purpose by their respective Governments.

These courts shall reside, one in a possession belonging to Her Britannic Majesty, the other within the territory of the Equatorian Republic; and at the period of the exchange of the ratifications of the present Treaty, the two Governments shall declare, each for its own dominions, in what place these courts shall respectively reside.

But each of the two High Contracting Parties reserves to itself the right of changing, at its pleasure, the place of residence of the court held within its own dominions; provided always, that one of the courts shall be held upon the coast of Africa, and the other in some part of the territory of the Equator. And these courts, from which there shall be no appeal, shall judge the

causes submitted to them according to the provisions of the present Treaty, and according to the regulations and instructions which are annexed to the present Treaty, and which are considered as integral parts thereof.

ARTICLE VIII.

In case the commanding officer of any of the ships of the respective navies of Great Britain and the Equator, duly commissioned according to the provisions of Article IV. of the Treaty, shall deviate in any respect from the stipulations of the said Treaty, or the instructions annexed to it, the Government which shall conceive itself to be wronged thereby shall be entitled to demand reparation; and in such case the Government to which such commanding officer may belong binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon the said officer a punishment proportioned to any wilful transgression which he may have committed.

ARTICLE IX.

It is hereby further mutually agreed, that every merchant vessel, British or Equatorian, which shall be visited by virtue of the present Treaty, may lawfully be detained, and sent or brought before the Mixed Courts of Justice established in pursuance of the provisions thereof, if in her equipment there shall be found any of the things herein-after mentioned, namely :

1st. Hatches with open gratings, instead of the close hatches which are usual in merchant vessels.

2nd. Divisions or bulkheads in the hold, or on deck, in greater number than are necessary for vessels engaged in lawful trade.

3rd. Spare planks fitted for laying down a second or slaves' deck.

4th. Shackles, bolts, or handcuffs.

5th. A larger quantity of water in casks or in tanks than is requisite for the consumption of the crew of the vessel as a merchant vessel.

6th. An extraordinary number of water casks or of other vessels for holding liquid; unless the master shall produce a certificate from the custom house at the place

from which he cleared outwards, stating that a sufficient security had been given by the owners of such vessel that such extra quantity of casks or other vessels should only be used to hold palm oil, or for other purposes of lawful commerce.

7th. A greater quantity of mess tubs or kids than are requisite for the use of the crew of the vessel as a merchant vessel.

8th. A boiler of an unusual size, and larger than requisite for the use of the crew of the vessel as a merchant vessel; or more than one boiler of the ordinary size.

9th. An extraordinary quantity either of rice, of the flour of Brazil, of manice or cassada, commonly called farinha, of maize or Indian corn, or of any other article of food whatever beyond what might probably be requisite for the use of the crew; such rice, flour, maize, or Indian corn, or other article of food, not being entered on the manifest as part of the cargo for trade.

10. A quantity of mats or matting greater than is necessary for the use of the crew of the vessel as a merchant vessel.

Any one or more of these several things, if proved to have been found on board, shall be considered as *prima facie* evidence of the actual employment of the vessel in the slave trade; and the vessel shall thereupon be condemned and declared lawful prize, unless satisfactory evidence, upon the part of the master or owners, shall establish that such vessel was, at the time of her detention or capture, employed in some legal pursuit.

ARTICLE X.

If any of the things specified in the preceding Article shall be found in any merchant vessel, neither the master nor owner, nor any person whatever interested in her equipment or cargo, shall be entitled to compensation for losses or damages, even though the Mixed Courts of Justice should not pronounce any sentence of condemnation in consequence of her detention; but the same tribunal shall be authorised to pay out of the prize fund, if they think it in equity required, some sum of money proportionate to the demurrage suffered, and according to the circumstances of the case.

ARTICLE XI.

It is agreed between the two High Contracting Parties, that in all cases in which a vessel shall be detained under this Treaty by their respective cruizers, as having been engaged in the slave trade, or as having been fitted out for the purpose thereof, and shall consequently be adjudged and condemned by the Mixed Courts of Justice to be established as aforesaid, the said vessel shall, immediately after its condemnation, be broken up entirely, and shall be sold in separate parts, after having been so broken up.

ARTICLE XII.

The negroes who are found on board of a vessel detained by a cruiser, and condemned by the Mixed Courts of Justice in conformity with the stipulations of this Treaty, shall be placed at the disposition of the Government whose cruiser has made the capture; but on the understanding that not only they shall be immediately put at liberty, and kept free,—the Government to whom they have been delivered guaranteeing the same,—but likewise engaging to afford, from time to time, and whenever demanded by the other High Contracting Party, the fullest information as to the state and condition of such negroes, with a view of insuring the due execution of the Treaty in this respect.

For this purpose the regulations annexed to this Treaty, marked C., as to the treatment of negroes liberated by sentence of the Mixed Courts of Justice, have been drawn up, and are declared to form an integral part of this Treaty.

The two High Contracting Parties reserve to themselves the right to alter or suspend, by common consent and mutual agreement, but not otherwise, the terms and tenor of such regulations.

ARTICLE XIII.

The acts and instruments annexed to this Treaty, and which it is mutually agreed shall form an integral part thereof, are as follows:—

A. Instructions for ships of the royal and national navies of both nations destined to prevent the traffic in slaves.

B. Regulations for the Mixed Courts of Justice, which are to hold their sittings on the coast of Africa, and in the territory of the Republic of the Equator.

C. Regulations as to the treatment of liberated negroes.

ARTICLE XIV.

The present Treaty, consisting of fourteen articles, shall be ratified, and the ratifications thereof exchanged in Quito, within the space of two years from this date, or sooner if possible

In witness whereof, the representative Plenipotentiaries have signed in duplicate two originals, in English and Spanish, of the present Treaty, and have thereunto affixed their respective seals.

Done in Quito, this twenty-fourth day of May in the year of our Lord one thousand eight hundred and forty-one.

(L.S.) WALTER COPE.

ANNEX A. to the TREATY between GREAT BRITAIN and the REPUBLIC of the EQUATOR for the Abolition of the Slave Trade of the REPUBLIC of the EQUATOR.

Instructions for the Ships of the British and Equatorial Navies employed to prevent the Traffic in Slaves.

ARTICLE I.

The commander of any ship belonging to the navy of Her Britannic Majesty, or of the Republic of the Equator, which shall be furnished with these instructions, shall have a right to visit, search, and detain any British or Equatorial merchant vessel which shall be actually engaged, or which shall be suspected to be engaged, in the slave trade, or to be fitted out for the purposes thereof, or to have been engaged in the traffic in slaves during the voyage in which she may be met with by such ship of the British or Equatorial navy; and such commander shall thereupon bring or send such merchant vessel, as soon as possible, for judgment before that Mixed Court of Justice, established in virtue of the Seventh Article of the said Treaty, which shall

be the nearest to the place of detention, or which such commander shall, upon his own responsibility, think can be soonest reached from such place.

ARTICLE II.

Whenever a ship of either of the said navies, duly authorised as aforesaid, shall meet a merchant vessel liable to be visited under the provisions of the said Treaty, the search shall be conducted in the mildest manner, and with every attention which ought to be observed between allied and friendly nations; and the search shall, in all cases, be made by an officer holding a rank not lower than that of a lieutenant in the navy of Great Britain, or in that of the Republic of the Equator, respectively (unless the command shall, by reason of death, or otherwise, be held by an officer of inferior rank), or by the officer who at the time shall be second in command of the ship by which the search is made.

ARTICLE III.

The commander of any ship of the two navies, duly authorised as aforesaid, who may detain any merchant vessel in pursuance of the present instructions, shall leave on board the vessel so detained the master, the mate or boatswain, and two or three at least of the crew thereof, the whole of the slaves, if any, and all the cargo.

The captor shall, at the time of detention, draw up in writing an authentic declaration, which shall exhibit the state in which he found the detained vessel; and such declaration shall be signed by himself, and shall be given in or sent, together with the captured vessel, to the Mixed Court of Justice before which such vessel shall be carried or sent for adjudication.

The captor shall deliver to the master of the detained vessel a certified list of the papers seized on board the same, as well as a statement of the number of slaves found on board at moment of detention.

In the authenticated declaration which the captor is hereby required to make, as well as in the certified list of the papers seized, he shall insert his own name, the name of the capturing ship, the latitude and longitude

of the place where the detention shall have taken place, and the number of slaves found on board the vessel at the time of the detention.

The officer in charge of the vessel detained shall, at the time when he brings the vessel's papers into the Mixed Court of Justice deliver into the Court a paper, signed by himself, and verified on oath, stating any changes which may have taken place in respect to the vessel, her crew, her slaves, if any, and her cargo, between the period of her detention and the time of delivering in such paper.

ARTICLE IV.

The slaves shall not be disembarked till after the vessel which contains them shall have arrived at the place of adjudication; and even after the vessel has arrived at such place they shall not be landed without the permission of the Mixed Court of Justice.

But if urgent reasons, deduced from the length of the voyage, from the state of health of the slaves, or from other causes, should require that either the whole or a portion of the negroes should be disembarked or be transhipped before the vessel can arrive at the place at which one of the said courts is established, or after her arrival there and before adjudication, the commander of the capturing ship may take upon himself the responsibility of so disembarking or transhipping the negroes, provided that such necessity, and the causes thereof, be stated in a certificate in proper form, and that this certificate be entered at the time on the log-book of the detained vessel.

The undersigned Plenipotentiaries have agreed, in conformity with the Thirteenth Article of the Treaty signed by them on this day, the twenty-fourth of May one thousand eight hundred and forty-one, that the preceding instructions, consisting of four Articles, shall be annexed to the said Treaty, and shall be considered as an integral part thereof.

The twenty-fourth day of May, one thousand eight hundred and forty-one.

(L.S.) WALTER COPE.

ANNEX B. to the TREATY between GREAT BRITAIN and the REPUBLIC of the EQUATOR for the Abolition of the Slave Trade of the REPUBLIC of the EQUATOR.

Regulations for the Mixed Courts of Justice, which are to reside on the Coast of Africa and in the Republic of the Equator.

ARTICLE I.

The Mixed Courts of Justice to be established under the provisions of the Treaty, of which these Regulations are declared to be an integral part, shall be composed in the following manner :—

Each of the two High Contracting Parties shall name a judge and an arbitrator, who shall be authorised to hear and to decide, without appeal, all cases of the capture or detention of vessels which, in pursuance of the stipulations of the aforesaid Treaty, shall be brought before them.

The judges and the arbitrators shall, before entering upon the duties of their office, respectively make oath before the principal magistrate of the places in which such courts respectively shall reside, that they will judge fairly and faithfully ; that they will have no preference either for the claimants or the captors ; and that in all their decisions they will act in pursuance of the stipulations of the aforesaid Treaty.

There shall be attached to each of such courts a secretary or registrar, who shall be appointed by the Government of the country within whose territories such court shall reside. Such secretary or registrar shall register all the acts of such court, and shall, before he enters upon his office, make oath before the court to which he is appointed that he will conduct himself with due respect for its authority, and will act with fidelity and impartiality in all matters relating to his said office.

The salary of the secretary or registrar of the court to be established on the coast of Africa shall be paid by Her Britannic Majesty, and that of the secretary or registrar of the court to be established in the Republic of the Equator shall be paid by the Government of that Republic.

Each of the Governments shall defray half of the aggregate amount of the incidental expenses of such courts.

ARTICLE II.

The expenses incurred by the officer charged with the reception, maintenance, and care of the detained vessel, slaves, and cargo, and with the execution of the sentence, and all disbursement occasioned by bringing the vessel to adjudication, shall, in case of condemnation, be defrayed out of the funds arising from the sale of the materials of the broken-up vessel, of the ship's stores, and of such parts of the cargo as shall consist of merchandise ; and in case the proceeds arising from this sale should not prove sufficient to defray such expenses, then the deficiency shall be made good by the Government of the country within whose territories the adjudication shall have taken place.

If the detained vessel shall be released the expenses occasioned by bringing her to adjudication shall be defrayed by the captor, excepting in the cases specified and otherwise provided for by Article X. of the Treaty to which these Regulations form an Annex, and by Article VIII. of these Regulations.

ARTICLE III.

The Mixed Courts of Justice are to decide upon the legality of the detention of such vessels as the cruisers of either nation shall, in pursuance of the said Treaty, detain.

These courts shall judge definitively and without appeal, all questions which shall arise out of the capture and detention of such vessels.

The proceedings of these courts shall take place with as little delay as possible ; and for this purpose the courts are required to decide each case, as far as may be practicable, within the space of twenty days, to be dated from the day on which the detained vessel shall have been brought into the port where the deciding court shall reside.

If, in consequence of such proceedings, the vessel whose case is brought before the court shall be found to have been employed in the slave trade, or to have been fitted out for the purposes thereof, such vessel, her cargo of merchandise, and her equipments, shall be condemned by the court, and shall be declared lawful prize ; and any

slaves who may have been put on board such vessel for the purposes of traffic shall be emancipated.

The final sentence shall not in any case be delayed beyond the period of two months, either on account of the absence of witnesses, or for any other reason, except upon the application of any of the parties interested ; in which case, if such party or parties shall give satisfactory security that they will take upon themselves the expense and risks of the delay, the courts may, at their discretion, grant an additional delay, not exceeding four months.

Either party shall be allowed to employ such counsel as he may think fit to assist him in conducting his cause.

All the acts and essential parts of the proceedings of the said courts shall be written down in the language of the country in which the courts shall respectively reside.

ARTICLE IV.

The form of the process shall be as follows :—

The judges appointed by the two Governments respectively shall, in the first place, proceed to examine the papers of the detained vessel, and to take the depositions of the master or commander, and of two or three at least of the principal individuals on board such vessel, as well as the declaration on oath of the captor, should such declaration appear to be necessary in order to enable them to judge and to pronounce whether the said vessel has been justly detained or not, according to the stipulations of the aforesaid Treaty, and in order that, according to this judgment, the vessel may be condemned or released.

In the event of the two judges not agreeing as to the sentence which they ought to pronounce with respect to the legality of the detention of any vessel, as to the liability of the vessel to condemnation, as to the compensation to be allowed to the owners, or as to any other question which may arise out of any capture ; or if any difference of opinion should arise between them as to the mode of proceeding in the said court, they shall, in any such case, draw by lot the name of one of the two arbitrators appointed as is stated in Article I. of this Annex ; and the arbitrator whose name shall be so

drawn shall, after he has considered the proceedings which have taken place, consult with the two above-mentioned judges ; and the final sentence or decision shall be pronounced in conformity with the opinion of the majority of the three.

ARTICLE V.

If the detained vessel shall be restored by the sentence of the court, the vessel and the cargo, in the state in which they shall then be found, shall forthwith be given up to the master or to the person who represents him ; and such master or other person may, before the same court, claim to have a valuation made, in order to ascertain the amount of the damages to which he shall be entitled. The captor himself, and, in his default, his Government, shall remain responsible for the damages which may definitively be pronounced to be due to the master of such vessel, or to the owners of the vessel or of her cargo.

The two High Contracting Parties bind themselves to pay, within the term of a year from the date of the sentence, the costs and damages which may be awarded by the aforesaid court ; it being mutually understood and agreed that such costs and damages shall be made good by the Government of the country of which the captor shall be a subject or citizen.

ARTICLE VI.

If a detained vessel shall be condemned, she shall be declared lawful prize, together with her cargo, whatever it may be, with the exception of the slaves who shall have been found on board ; and the said vessel, in conformity with the Regulations in Article XI. of the Treaty of this date, shall, as well as her cargo, be sold by public sale for the profit of the two Governments, subject to the payment of the expenses herein mentioned.

The slaves shall receive from the court a certificate of emancipation, and shall be delivered over to the Government to whom belongs the cruiser which made the capture, to be dealt with according to the regulations and conditions contained in the Annex to this Treaty, letter C.

ARTICLE VII.

The commander and the crew of a vessel condemned under this Treaty, and all persons found on board who shall have been accomplices in her slave trade undertaking, shall, on condemnation of the vessel, be sent as prisoners to the nearest settlement of the country of which they are subjects or citizens, and shall be there delivered over to the authorities of the place, to be tried, according to the laws of their country, for the offences which they have committed against those laws. The commander of the cruiser which made the capture of the vessel shall, on the requisition of the members of the Mixed Courts of Justice, take charge of the commander, the crew, and accomplices on board of the captured vessel, and shall convey them and deliver them over as before mentioned.

The charges incurred for the support and return voyage of the commander, the crew, and accomplices thus sent as prisoners shall be defrayed by the Government of which they are the subjects or citizens.

ARTICLE VIII.

The Mixed Courts of Justice shall also take cognisance of, and shall decide definitively and without appeal, all claims for compensation on account of losses occasioned to vessels and cargoes which shall have been detained under the provisions of this Treaty, but which shall not have been condemned as legal prize by the said courts; and in all cases wherein restitution of such vessels and cargoes shall be decreed (save as mentioned in a subsequent part of these Regulations, and in Article X. of the Treaty to which these Regulations form an Annex), the court shall award to the claimant or claimants, or to his or their lawful attorney or attorneys, for his or their use, a just and complete indemnification for all cost of suit, and for all losses and damages which the owner or owners may have actually sustained by such capture and detention, that is to say : —

First. In case of total loss, the claimant or claimants shall be indemnified, —

- A. For the ship, her tackle, equipment, and stores.
- B. For all freights due and payable.

C. For the value of the cargo of merchandise, if any, deducting all charges and expenses payable upon the sale of such cargo, including commission of sale.

D. For all other regular charges in such case of total loss.

Secondly. In all other cases not of total loss, save as herein-after mentioned, the claimant or claimants shall be indemnified,—

A. For all special damages and expenses occasioned to the ship by her detention, and for loss of freight when due or payable.

B. For demurrage, according to the schedule annexed to the present article.

C. For any deterioration of the cargo.

D. For all premium of insurance on additional risk.

Further, the claimant or claimants shall be entitled to interest at the rate of five per cent. per annum on the sum awarded, until such sum is paid by the Government to which the capturing ship belongs. The whole amount of such indemnification shall be calculated in the money of the country to which the detained vessel belongs, and shall be paid at the rate of exchange current at the time of the award.

The two High Contracting Parties, however, have agreed that if it shall be proved to the satisfaction of the judges of the two nations, and without recourse to the decision of an arbitrator, that the captor has been led into error by the fault of a master or commander of the detained vessel, the detained vessel shall, in such case, not receive for the time of her detention the demurrage stipulated by the present Article, nor any other compensation for losses, damages, or expenses consequent upon such detention.

SCHEDULE of demurrage or daily allowance for a vessel of—

100 to 120 tons inclusive	—	£5 per diem.
121 „ 150 „	—	6 „
151 „ 170 „	—	8 „
171 „ 200 „	—	10 „
201 „ 220 „	—	11 „
221 „ 250 „	—	12 „
251 „ 270 „		14 „
271 „ 300 „		15 „

and so on in proportion.

ARTICLE IX.

Neither the judges nor the arbitrators, nor the secretaries of the Mixed Courts of Justice, shall demand or receive from any of the parties concerned in the cases which shall be brought before such courts, any emolument or gift, under any pretext whatsoever, for the performance of the duties which such judges, arbitrators, and secretaries have to perform.

ARTICLE X.

The two High Contracting Parties have agreed that in the event of the death, sickness, absence, or leave, or other legal impediment, of one or more of the judges or arbitrators composing the above-mentioned courts, the post of such judge or of such arbitrator shall be supplied, ad interim, in the following manner :

First. On the part of Her Britannic Majesty, and in that court which shall sit in one of the possessions of Her said Majesty,—if the vacancy be that of the British judge, his place shall be filled by the British arbitrator ; and either in that case, or if the vacancy be originally that of the British arbitrator, the place of such arbitrator shall be filled successively by the Governor or Lieutenant-Governor resident in such possession, by the principal magistrate of the same, and by the Secretary of the Government ; and the said court, so constituted as above, shall sit, and shall proceed to adjudge all cases brought before them for adjudication, and shall pass sentence accordingly.

Secondly. On the part of Great Britain, and in that court which shall sit in some place within the territories of the Republic of the Equator,—if the vacancy be that of the British judge, his place shall be filled by the British arbitrator ; and either in that case, or if the vacancy be originally that of the British arbitrator, the place of British arbitrator shall be filled successively by the British Consul and British Vice-Consul if there be a British Consul or British Vice-Consul appointed to and resident in such place ; and if the vacancy be both of the British judge and of the British Arbitrator, then the vacancy of the British judge shall be filled by the British Consul, and that of the British arbitrator by the British Vice-Consul, if there be a British Consul and a British

Vice-Consul appointed to and resident in such place ; and if there shall be no British Consul or British Vice-Consul to fill the place of British arbitrator, then the Equatorial arbitrator shall be called in in those cases in which a British arbitrator, if there were any, would be called in ; and in case the vacancy be both of the British judge and British arbitrator, and there be neither British Consul nor Vice-Consul to fill, ad interim, the vacancies, then the Equatorial judge and Equatorial arbitrator shall sit, and shall proceed to adjudge all cases brought before them for adjudication, and shall pass sentence accordingly.

Thirdly. On the part of the Equatorial Republic, and in that court, which shall sit within the territories of the said Republic,—if the vacancy be that of the Equatorial judge, his place shall be filled by the Equatorial arbitrator ; and either in that case, or if the vacancy be originally that of the Equatorial arbitrator, the place of such arbitrator shall be filled successively by the judges of first instance, according to their seniority, resident in the place where such court shall sit, or by an advocate appointed for the purpose ; and the said court, so constituted as above, shall sit, and shall proceed to adjudge all cases brought before them for adjudication, and shall pass sentence accordingly.

Fourthly. On the part of the Equatorial Republic, and in that court which shall sit within the possessions of Her Britannic Majesty,—if the vacancy be that of the Equatorial judge, his place shall be filled by the Equatorial arbitrator ; and either in that case, or if the vacancy be originally that of the Equatorial arbitrator, the place of Equatorial arbitrator shall be filled successively by the Equatorial Consul and Equatorial Vice-Consul, if there be an Equatorial Consul or Equatorial Vice-Consul appointed to and resident in such possession ; and if the vacancy be both of the Equatorial judge and of the Equatorial arbitrator, then the vacancy of the Equatorial judge shall be filled by the Equatorial Consul, and that of the Equatorial arbitrator by the Equatorial Vice-Consul, if there be an Equatorial Consul and an Equatorial Vice-Consul appointed to and resident in such possession ; and if there be no Equatorial Consul or Equatorial Vice-Consul to fill the place of Equatorial arbitrator, then the British arbitrator shall be called in in those cases in which an Equatorial arbitrator would

be called in; and in case the vacancy be both of the Equatorial judge and Equatorial arbitrator, and there be neither Equatorial Consul nor Vice-Consul to fill, ad interim, the vacancies, then the British judge and British arbitrator shall sit, and shall proceed to adjudge all cases brought before them for adjudication, and shall pass sentence accordingly.

The highest civil authority of the settlement wherein either of the Mixed Courts of Justice shall sit shall, in the event of a vacancy arising either of the judge or of the arbitrator of the other High Contracting Party, forthwith give notice of the same to the highest civil authority of the nearest settlement of such other High Contracting Party, in order that such vacancy may be supplied at the earliest period; and each of the High Contracting Parties agrees to fill up definitively, as soon as possible, the vacancies which may arise in the above-mentioned courts from death or from any other cause whatever.

The undersigned Plenipotentiaries have agreed, in conformity with the XIIIth Article of the Treaty signed by them on this day, the twenty-fourth of May one thousand eight hundred and forty one, that the preceding regulations, consisting of ten articles, shall be annexed to the said Treaty, and considered as an integral part thereof.

The twenty-fourth day of May one thousand eight hundred and forty one.

(L.S.)	WALTER COPE.
(L.S.)	F. MARCOS.

ANNEX C. to the TREATY between GREAT BRITAIN and the REPUBLIC of the EQUATOR for the Abolition of the Slave Trade of the Republic of the Equator.

Regulations for the good Treatment of liberated Negroes.

ARTICLE I.

The object of these Regulations is to secure to negroes liberated by virtue of the stipulations of the Treaty to which these Regulations form an Annex (marked C.), permanent good treatment, and full and complete

freedom, in conformity with the humane intentions of the High Contracting Parties.

ARTICLE II.

Immediately after sentence of condemnation shall have been passed by a Mixed Court of Justice established under the Treaty to which these Regulations form an Annex, on a vessel charged with being concerned in slave trade, all negroes who were on board such vessel, and who were brought on board for the purpose of traffic, shall be delivered over to the Government to whom belongs the cruiser which made the capture.

ARTICLE III.

If the cruiser which made the capture is British, the British Government engages that the negroes shall be treated in exact conformity with the laws in force in the British colonies applicable to free-born or to emancipated negroes.

ARTICLE IV.

If the cruiser which made the capture is Equatorial, then the negroes shall be delivered over to the Equatorial authorities of that place in the dominions of the Republic of the Equator in which the Mixed Court of Justice is established; and the Equatorial Government solemnly engages that such negroes shall be there treated strictly according to the regulations in force at the time being in the Republic of the Equator with respect to free negroes. The Republic of the Equator further engages that those regulations shall always be framed with the view of securing, honestly and faithfully, to emancipated negroes, unmolested liberty, good treatment, a knowledge of the tenets of the Christian religion, advancement in morality and civilisation, and sufficient instruction in the mechanical arts to enable the said emancipated negroes to earn their own subsistence as artisans, mechanics, or servants.

ARTICLE V.

For the purpose which is explained in the following article, there shall be kept in the office of the Governor in that part of the possessions of the Republic of the Equator where the Mixed Court of Justice resides, a

register of all emancipated negroes ; and in such register shall be entered, with scrupulous exactness, the names given to the negroes, the names of the vessels in which they were captured, the names of the persons to whose care they have been committed, and any other circumstance like to contribute to the full and permanent liberty and welfare of such emancipated negroes.

ARTICLE VI.

The register to which the preceding Article refers will serve to form a general return, which the Governor of that part of the possessions of the Republic of the Equator where the Mixed Court of Justice resides shall be bound to deliver every six months to the aforesaid Mixed Commission, in order to show the continued freedom of the negroes emancipated under this Treaty, the improvement effected in their condition, and the progress made in their religious and moral instruction, and in their acquirement of the arts of life. The aforesaid return shall also specify the names and descriptions of such of the emancipated negroes as shall have died since the period of the last return.

ARTICLE VII.

The High Contracting Parties agree that if in future it should appear necessary to adopt new measures, in consequence of those which are laid down in this Annex turning out inefficacious, the said High Contracting parties will consult together, and will agree upon other means better adapted for the complete attainment of the objects they have in view.

The undersigned Plenipotentiaries have agreed, in conformity with XIIIth Article of the Treaty signed by them on this day, twenty-fourth of May one thousand eight hundred and forty one, that this Annex, consisting of seven Articles, shall be united to the said Treaty, and be considered an integral part thereof.

The twenty-fourth day of May, one thousand eight hundred and forty-one.

(L.S.)	WALTER COPE.
(L.S.)	F. MARCOS.

ARTICLES ADDITIONAL to the TREATY concluded on the twenty-fourth day of May one thousand eight hundred and forty-one, between HER BRITANNIC MAJESTY and the REPUBLIC of the EQUATOR, for the Suppression of the Slave Trade.

ARTICLE I.

It is agreed and understood that, if there should be any delay in appointing the judge and the arbitrator to be nominated on the part of the Republic of the Equator to act in each of the Mixed Courts of Justice to be established under this Treaty ; or if those officers, after being appointed, should at any time be absent ; then and in either of such cases, the judge and arbitrator who shall be appointed on the part of Her Britannic Majesty, and who shall be present in the said courts, shall, in the absence of the Equatorial judge and arbitrator, proceed to open the said courts, and to adjudge such cases as may be brought before them under the Treaty ; and the sentence pronounced upon such cases by the said British judge and arbitrator shall have the same force and validity as if the judge and the arbitrator on the part of the Republic of the Equator had been present and acting with them.

ARTICLE II.

It is also agreed, notwithstanding the provisions of the First Article of the Annex B., that so long as no Equatorial judge and arbitrator shall have been nominated, it will be unnecessary for the Republic of the Equator to nominate the secretary or registrar mentioned in the said Article ; that in the meanwhile the secretary or registrar of the court which may exist within the territory of the Republic of the Equator shall be named and paid by the Government of Her Britannic Majesty, and that the entire expense of both the courts to be established under this Treaty shall be borne by the Government of Her Britannic Majesty.

The present Additional Articles shall form an integral part of the Treaty for the abolition of the slave trade of the Republic of the Equator, signed this day, and

shall have the same force and validity as if they were inserted word for word in that Treaty, and shall be ratified in the same form and at the same time.

The twenty-fourth day of May one thousand eight hundred and forty-one.

(L.S.) WALTER COPE.
(L.S.) F. MARCOS.

FURTHER ADDITIONAL ARTICLE.

ADDITIONAL ARTICLE to the TREATY concluded on the 24th of May 1841, between GREAT BRITAIN and the REPUBLIC of the EQUATOR, for the Abolition of the Traffic in Slaves.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Excellency the President of the Republic of the Equator, having deemed it convenient and necessary to prorogue the term stipulated in the XIVth Article of the Treaty, concluded on the 24th of May 1841, between Great Britain and the Republic of the Equator, for the abolition of the traffic in slaves, have named and authorised as their Plenipotentiaries *ad hoc*, that is to say :—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Walter Cope, Esquire, Her Majesty's Consul in the Equator ;

And His Excellency the President of the Republic of the Equator, General José Maria Urbina, Minister of State in General ;

Who, after having exchanged their full powers, found to be in good and due form, have agreed upon the following :—

The term stipulated for the exchange of the ratifications of the Treaty for the abolition of the traffic in slaves, signed by the Plenipotentiaries of Great Britain and the Equator, on the 24th of May 1841, is prorogued ; and in virtue of the prorogation it is agreed by the two Contracting Parties, that the said Treaty shall be ratified, and the ratifications exchanged in Quito, within the space of two years from the date hereof, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed this agreement in duplicate, and have sealed it with their respective seals.

Done in the city of Cuenca, on the fifteenth day of January, in the year of our Lord one thousand eight hundred and forty-six.

(L.S.)

WALTER COPE.

(L.S.)

JOSÉ M. URBINA.

HAYTI.

The Treaty Engagement in force between Great Britain and Hayti for the Suppression of the Slave Trade, to which your attention is particularly directed, is :—

The Treaty, dated the 23rd of December, 1839, containing the accession of Hayti to :—

- (1.) The Convention between Great Britain and France of the 30th November, 1831 ;*
- (2.) The Supplementary Convention between Great Britain and France of the 22nd March, 1833, and the Annex thereto.*

The Limits within which you are authorised to exercise the powers of Visit, Search, and Detention over Haytian Vessels are :—

Conv. Nov.
30, 1831,
Art. 1.

- (1.) Along the Western Coast of Africa from Cape Verde to the distance of Ten Degrees to the South of the Equator, that is to say, from the Tenth Degree of South Latitude to the Fifteenth Degree of North Latitude, and as far as the Thirtieth Degree of West Longitude, reckoning from the Meridian of Paris.
- (2.) Within 20 leagues from the Coast of Madagascar.
- (3.) Within 20 leagues from the Coast of Cuba, except in that half which is contiguous to Hayti of the Strait between Cuba and Hayti.
- (4.) Within 20 leagues from the Coast of Porto Rico, except in that half which is contiguous to Hayti of the Strait between Porto Rico and Hayti.
- (5.) Within 20 leagues from the Coast of Brazil.

Treaty,
Art. IV.

Treaty,
Art. IV.

You are likewise authorised to exercise the same powers over any Vessel beyond the Limit of 20 leagues, provided she was within the Limit when you first began to chase her, and provided you did not lose sight of her during the chase.

If you have reason to suspect that a Vessel sailing under the Escort or Convey of a Haytian Cruizer is engaged in or equipped for the Slave Trade, you will

Suppl. Conv.
Art. III.

* No longer in force as regards France.

communicate your suspicions to the Commander of the Convoy, to whom exclusively it will belong to take any further proceedings that may be necessary. The Treaty provides that the Commander of the Convoy shall proceed alone to visit the Vessel, and, in the event of his finding the suspicions to be well founded, shall detain her; so long, however, as she remains under Convoy, you have no authority to take any further measures. You will by the first opportunity send a full Report of the Case, together with your own remarks thereon, to the Senior Officer of your Division, and a Duplicate thereof to the Secretary of the Admiralty.

Suppt. Conv. Annex, s. 1. The Visit and Search of a Haytian Vessel shall not be made by an Officer of a Rank lower than that of Lieutenant.

Conv. Nov. 30, 1891, Art. VI. If the Visit and Search is made by yourself in person, the Authority is the Special Order, furnished to you by the Admiralty, with the Warrant from the Haytian Government; if made by an Officer under your command, it is a Copy, signed by yourself, of the Special Order. The form of the Special Order is given on the opposite page. The Authority shall be exhibited to the Master before the Visit is commenced.

Suppt. Conv. Annex, s. 1. If it shall appear that the Vessel is engaged in lawful commerce, the Visiting Officer shall enter upon her Log Book, in addition to the particulars specified in Sections 32 and 46,* a Certificate that the Visit was made only in virtue of the Authority above mentioned.

Suppt. Conv. Annex, s. 1. The Visiting Officer shall, before commencing the Search, deliver to the Master of the Vessel the Certificate No. 1 or No. 2,† according to circumstances.

Suppt. Conv. Art. VI. The fact that a Vessel has in her Outfit a quantity of Mats or Matting greater than is necessary for the use of the Crew will not of itself be a sufficient ground for detaining her.‡

The 55th Section does not apply to Haytian Vessels.

Suppt. Conv. Annex, s. 2. The Certificates, Nos. 3 and 4† respectively, required to be made on the Detention of a Vessel, shall be made in Duplicate at the time.

Treaty, Art. II. The proper Port of Adjudication for a Haytian Vessel is Port-au-Prince.

* See Vol. I, pages 6 and 8.

† See Appendix to General Instructions, Vol. I, page 21.

‡ See Vol. I, page 10.

No person, and no part of the Cargo, shall be removed from the Detained Vessel until she has arrived at the Port of Adjudication, unless the removal is necessary on grounds of humanity or for the safety of the Prize Officer or Crew.

Suppt. Conv.
Annex, s. 4.

The Prize Officer shall not be of a Rank lower than that of Lieutenant.

Suppt. Conv.
Art. I.

The Prize Officer shall, on receiving Notice from the Authorities, attend any Survey that may be held on the Vessel, her Cargo, or Crew; he shall see that a Declaration of the Proceedings at such Survey is drawn up in Duplicate and signed by the persons who have acted therein or been present at the same, and shall be careful to retain one of the Declarations in his own possession.

Suppt. Conv.
Art. IV.

SPECIAL ORDER for the exercise over **HAYTIAN, VESSELS** of the **POWERS** conferred by Treaty Engagements upon the Commanders of Her Majesty's Ships of War.

We transmit to you herewith a warrant from the Haytian Government, authorising you to act under the Treaty Engagements subsisting between Great Britain and Hayti for the suppression of the Slave Trade, which will be found in the volume of the Slave Trade Instructions.

For the purpose of suppressing the Slave Trade, you will exercise over Haytian Vessels the powers conferred by the said Treaty Engagements upon the Commanders of Her Majesty's Ships of War, and for so doing this Special Order is your authority.

Given under our hand and the seal of the Office of Admiralty this day of .

By command of their Lordships.

To the Commanding Officer of Her Majesty's

HAYTI.

CONVENTION* between HER MAJESTY and the REPUBLIC OF HAYTI, containing the Accession of that REPUBLIC to two CONVENTIONS between GREAT BRITAIN and FRANCE for the more effectual Suppression of the Slave Trade. Signed at Port-au-Prince, December 23rd, 1839.

[*Ratifications exchanged at Port-au-Prince, October 20th, 1840.*]

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland having, conformably to the Ninth Article of the Convention concluded on the 30th of November, 1831, between Great Britain and France, for the suppression of the slave trade, invited the President of the Republic of Hayti to accede to the said Convention :

And the President of the Republic of Hayti, equally animated with the desire to concur in the same humane object, having cordially assented to this proposal ;

The two High Powers, with the view of accomplishing this generous design, and of giving due authenticity and all accustomed solemnity to the accession of the President of the Republic of Hayti, and to the acceptance thereof by Her Britannic Majesty, have resolved to conclude to this effect a formal Convention, and have in consequence named for their Plenipotentiaries, that is to say :—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, George William Conway Courtenay, Esquire, a Captain in Her Navy and Her Consul in Hayti :

And the President of the Republic of Hayti, the Senator Noel Viallet :

Who, after having reciprocally communicated to each other their full powers, found to be in good and due form, have agreed upon the following articles :—

* Confirmed by Act of Parliament, 5 & 6 Vict. c. 41.

ARTICLE I.

The President of the Republic of Hayti accedes to the Conventions concluded and signed on the 30th of November, 1831, and on the 22nd of March, 1833, between His late Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, relating to the suppression of the slave trade, as well as to the Annex of the latter Convention containing instructions to cruisers, excepting the reservations and modifications expressed in the Articles II., III., IV., and V., herein-after given, which articles shall be considered additional to the said Conventions and to the Annex above mentioned; and excepting the differences which necessarily result from the situation of the President of the Republic of Hayti, as a party acceding to these Conventions after their conclusion.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland accepts the accession of the President of the Republic of Hayti.

Therefore, all the articles of the two Conventions aforesaid and all the conditions of the said Annex, shall, excepting the reservations and modifications aforesaid, be held to have been concluded and signed, in the same manner as the present Convention, directly between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the President of the Republic of Hayti.

The High Contracting Parties engage and promise reciprocally to each other, to execute faithfully all the clauses, conditions, and obligations of the present Convention, subject always to the reservations and modifications therein contained; and in order to prevent any uncertainty, it has been agreed that the above-mentioned Conventions, and the Annex of the latter, containing instructions to cruisers, shall be inserted here, word for word, as follows:—

[*Here follow the Conventions of November 30th, 1831, and March 22nd, 1833,* and the Annex containing the Instructions to Cruisers.*]

* See footnote at p. 113.

ARTICLE II.

It is agreed, with reference to the fifth article of the Instructions annexed to the Supplementary Convention of the 22nd of March, 1833, that all vessels bearing the Haytian flag, and appearing by their papers to belong to Hayti, which shall be detained, in execution of the Conventions above described, by the cruizers of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, shall be conducted or sent to Port-au-Prince, capital of the Republic of Hayti.

ARTICLE III

If the Republic of Hayti should not deem it expedient to fit out cruizers for the suppression of the slave trade, it nevertheless engages to furnish the special authority or warrant required by the fifth article of the Convention of the 30th November, 1831, to the commanders of the British cruizers, as soon as the names and the number thereof shall have been notified to the Republic.

ARTICLE IV.

Whereas the islands of Cuba and of Port Rico are only separated from the island of Hayti by a narrow strait each; and whereas the Republic of Hayti, as a free, sovereign, and independent state, possesses the exclusive right of police within its own waters: it is agreed that, by exception to Nos. 3 and 4 of Article I. of the Convention of the 30th November, 1831, British cruizers shall not search the Haytian vessels navigating within that half of one or the other strait contiguous to the coasts of Hayti.

ARTICLE V.

It is also agreed :—

1st. That Article II. of the Convention of the 30th of November, 1831, Article I. of the Convention of the 22nd of March, 1833, and No. 1 of the Instructions thereunto annexed, shall, as far as the commanders of Haytian cruizers are concerned, be understood in this sense, that the said commanders shall be of the ranks therein specified, or of corresponding ranks.

2nd. That by exception to Article V. of the Convention of the 22nd March, 1833, that portion of the net produce of the sale of the captured vessels and of their cargoes which falls to the share of the British cruizers shall, conformably to the Haytian laws, be only fifty per cent. of the net produce of the sale; and it is further understood that no kind of head money will be due by the Haytian Government on captives found on board the said ships, and landed in the Republic.

3rd. That the last paragraph of Article XI. of the Convention of the 22nd March, 1833, viz., "They reserve "to themselves, however, for the welfare of the slaves "themselves, the right to employ them as servants or "free labourers, conformably to their respective laws," shall be held null and void as regards the Haytian Government, inasmuch as the liberty they will enjoy in Hayti will, conformably to the intention of the Constitution, be full, entire, and without restraint; and as, according to a law passed on the 19th of November last, the Republic has proclaimed that it will provide for their welfare.

ARTICLE VI.

The present Convention shall be ratified, and the ratifications thereof shall be exchanged at Port-au-Prince, within the space of six months, or sooner if possible.

In witness whereof, the above-named Plenipotentiaries have signed the present Convention, and have affixed thereto the seals of their arms.

Done at Port-au-Prince, the twenty-third of December one thousand eight hundred and thirty-nine.

(L.S.)	G. W. C. COURTENAY.
(L.S.)	N. VIALLET.

LIBERIA.

The Treaty Engagements in force between Great Britain and Liberia for the Suppression of the Slave Trade, to which your attention is particularly directed, are :—

The Engagements contained in Articles IX. and X. of the Treaty dated the 21st of November 1848.

Treaty,
Art. IX, X.

You are authorised to exercise the powers of Visit, Search, and Detention over any Liberian Vessel, whether on the High Seas, or on the Coast within the Jurisdiction of the Liberian Republic, or in any of the Ports of the Republic, except duly constituted Ports of Entry.

Treaty,
Art. X.

The Republic has waived in favour of Great Britain the right which Liberia, as an independent State, would naturally possess to forbid British Cruizers from exercising any act of authority over Vessels within her Territorial Waters. Accordingly, for the purpose of exercising such powers of Visit, Search, and Detention as are vested in you by virtue of any Treaty or Act of Parliament, the Territorial Waters of Liberia, except duly constituted Ports of Entry, are to be deemed the High Seas.

Treaty,
Art. IX.

The Authority for the Visit and Search of a Liberian Vessel is contained in Articles IX. and X. of the Treaty, phge 122.

The proper Port of Adjudication for a Liberian Vessel is the nearest or most accessible Liberian Port.

LIBERIA.

TREATY of FRIENDSHIP and COMMERCE between HER MAJESTY and the REPUBLIC of LIBERIA. Signed at London, November 21, 1848.

[*Ratifications exchanged at London, August 1, 1849.*]

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Republic of Liberia, being desirous to conclude a Treaty of Peace and Friendship, and to regulate thereby the commercial intercourse between the dominions and subjects of Her Majesty and the territories and citizens of the Republic; Her Majesty has for this purpose named as Her Plenipotentiaries, that is to say:—

The Right Honourable Henry John Viscount Palmerston, Baron Temple, a Peer of Ireland, a Member of Her Britannic Majesty's Most Honourable Privy Council, a Member of Parliament, Knight Grand Cross of the Most Honourable Order of the Bath, and Her Britannic Majesty's Principal Secretary of State for Foreign Affairs; and the Right Honourable Henry Labouchere, a Member of Her Majesty's Most Honourable Privy Council, a Member of Parliament, and President of the Committee of Privy Council for Affairs of Trade and Foreign Plantations;

And the Republic of Liberia having, by resolutions of the Legislature, bearing date the 4th of February 1848, authorised and empowered Joseph Jenkins Roberts, the President of the Republic, to conclude such Treaty on behalf of the Republic;

The Plenipotentiaries of Her Majesty, and the said President of the Republic, after having communicated to each other their respective powers, have agreed upon and concluded the following Articles:

* * * * *

ARTICLE IX.

Slavery and the slave trade being perpetually abolished in the Republic of Liberia, the Republic engages that a law shall be passed declaring it to be piracy for any Liberian citizen or vessel to be engaged or concerned in the slave trade.

The Republic engages to permit any British vessel of war which may be furnished with special instructions under the Treaties between Great Britain and Foreign Powers for the prevention of the slave trade to visit any vessels sailing under the Liberian flag which may, on reasonable grounds, be suspected of being engaged in the slave trade; and if, by the result of the visit, it should appear to the officer in command of such British vessel of war that the suspicions which led thereto are well grounded, the vessel shall be sent without delay to a Liberian port, and shall be delivered up to the Liberian authorities, to be proceeded against according to the laws of the Republic.

ARTICLE X.

The Republic of Liberia further engages to permit any British vessel of war which may be furnished with special instructions as aforesaid to visit, on the coast within the jurisdiction of the Republic, or in the ports of the same, any vessel which may be suspected of being engaged in the slave trade, and which shall be found sailing under any flag whatever, or without any flag; and if the suspicions which led to the visit shall appear to the officer in command of such British vessel of war to be well grounded, to detain such vessel, in order to send it as soon as possible before the competent court for adjudication.

Duly constituted ports of entry* in the Republic of Liberia shall be excepted from the operation of the stipulations of the present Article, and no vessel shall be visited by a British cruiser within the limits of such ports, except on permission specially granted by the local authorities.

Done at London, the twenty-first day of November, in the year of our Lord one thousand eight hundred and forty-eight.

(L.S.)	PALMERSTON.
(L.S.)	H. LABOUCHERE.
(L.S.)	J. J. ROBERTS.

* The ports of entry are Monrovia, Marshall, Grand Bassa, Sinoe, Robertsport, and Harper.

MEXICO.

The Treaty Engagements in force between Great Britain and Mexico for the Suppression of the Slave Trade, to which your attention is particularly directed, are :—

The Treaty, dated the 24th of February, 1841, and the Annexes A., B., and C. thereto.

The Additional Article thereto, dated the 24th of February 1841.

You are authorised to exercise the powers of Visit, Search, and Detention over Mexican Vessels in any part of the High Seas, except,— Treaty,
Art. IV.

- (1.) The Mediterranean Sea.
- (2.) Such of the European Seas without the Straits of Gibraltar as lie to the Northward of the 37th Parallel of North Latitude, and to the Eastward of the 20th Degree of Longitude West of the Meridian of Greenwich.
- (3.) The waters within a line drawn from the mouth of the Rio Bravo del Norte in 25° 55' of North Latitude, and 97° 25' of Longitude West from Greenwich, to the Port of Sisal, in the Peninsula of Yucatan, in 21° 6' of North Latitude, and 90° 4' of Longitude West from Greenwich. You are, however, authorised to exercise the same Powers over any Vessel within this Line, provided that she was without the Line when you first began to chase her.

If you have reason to suspect that a Vessel sailing under the Escort and Convoy of a Mexican cruiser is engaged in or equipped for the Slave Trade, you will communicate your suspicions to the Commander of the Convoy, and offer to accompany him in a Visit to the suspected Vessel. If your suspicions prove to be well founded, the right to take further proceedings with respect to the Vessel will rest with the Commander of the Convoy ; but should he decline to exercise the right, Treaty,
Art. V. 3.

you will, on obtaining his consent, but not otherwise, detain her, provided that the vessel is, by reason of her Nationality, subject to your Authority. In like manner, if a Commander of a Mexican Ship, duly authorised under the Treaty, communicates to you his suspicions that a Vessel under your Convoy is engaged in or equipped for the Slave Trade, you will invite him to accompany you on a Visit to the suspected Vessel; and you will take care that the visit is conducted in a strict and satisfactory manner. In the event of the suspicions proving well founded you will detain the Vessel, provided that, by reason of her Nationality, she is subject to your Authority. You will by the first opportunity send a full Report of the Case, together with your own remarks thereon, to the Senior Officer of your Division, and a Duplicate thereof to the Secretary of the Admiralty.

Annex A.
Art. II.

The Visit and Search of a Mexican Vessel shall not be made by an Officer of a Rank lower than that of Lieutenant, unless he is at the time second in command of the Ship.

Annex A.
Art. I.

The Authority for the Visit and Search of a Mexican Vessel is the Copy of Annex A. to the Treaty which you will find at page 135.

Add. Art.
Feb. 24, 1841.

The fact that a Vessel has in her Outfit one or more of the Equipments mentioned in Section 52* will not render her liable to Detention, provided that she is not conveying Negroes destined for the Slave Trade, and that the Captain of the Vessel produces a Document, signed by any competent Authority of the Mexican Republic, stating that the Vessel is employed by the Mexican Government, either for the conveyance of troops by sea, or of convicts from one point of the Republic to another. But such Document must not be of a date so remote that there may be reasonable grounds for believing it to have been issued for a Voyage anterior to that on which the Vessel is met with.

Treaty,
Art. IX.

The fact that a Vessel has in her Outfit a quantity of Mats or Matting greater than is necessary for the use of the Crew will not of itself be a sufficient ground for detaining her.

Annex A.
Art. III.

Copies of the Certificates Nos. 3 and 4† respectively

* See Vol. I, page 9.

† See Appendix to General Instructions, Vol. I, page 21.

required to be made on the Detention of a Vessel, shall be delivered to the Master.

The proper Port of Adjudication for a Mexican Vessel is Vera Cruz. But, if there are Slaves on board, the Vessel shall be sent to the nearest or most accessible British or Mexican Port, and the Slaves there delivered over to the proper Authorities. After the Slaves have been delivered up the Vessel shall be sent on to the Port of Adjudication.

Treaty,
Art. VII.

MEXICO.

TREATY* between HER MAJESTY and the MEXICAN REPUBLIC for the Abolition of the Traffic in Slaves.
Signed at Mexico, February 24, 1841.

[Ratifications exchanged at London, July 29, 1842, the period stipulated in the Treaty for that purpose having been extended by mutual consent.]

In the Name of the Most Holy Trinity.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and his Excellency the President of the Mexican Republic, being animated by a sincere desire to co-operate for the total extinction of the barbarous traffic in slaves, have resolved to conclude a Treaty for the special purpose of immediately attaining this object, and have named, respectively, as their Plenipotentiaries, to wit :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Richard Pakenham, Esquire, Her Minister Plenipotentiary to the Mexican Government ; and his Excellency the President of the Mexican Republic, his Excellency Don Luis Gonzaga Cuevas, Envoy Extraordinary and Minister Plenipotentiary from that Republic at the Court of London :

Who, after having communicated to each other their respective full powers, and found them to be in good and proper form, have agreed upon and concluded the following Articles :

ARTICLE I.

The slave trade is declared by this Treaty to be totally and perpetually abolished in all parts of the world, on the part of the Mexican Republic, as are already slavery in the Mexican territory, and the aforesaid traffic in slaves on the part of Great Britain.

ARTICLE II.

The Government of Mexico engages to take, immediately after the exchange of the ratifications of the

* Confirmed by Act of Parliament, 6 & 7 Vict. c. 51.

present Treaty, and subsequently from time to time when it may be necessary, the most effectual measures to prevent the citizens of the Mexican Republic from being concerned in the slave trade, and the flag of the said Republic from being employed in any way in carrying on that traffic; and binds itself specially to procure from the National Congress, as soon as possible, a penal law by which the severest punishment shall be imposed on all citizens of the Republic who shall, under whatsoever pretext, take any part in the aforesaid traffic in slaves.

ARTICLE III.

The Mexican Government engages to propose in the National Congress a law which shall declare to be pirates all such citizens of the Republic as may be engaged in the slave trade, as well as all such individuals as may carry it on under the national flag. And Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and his Excellency the President of the Republic, mutually bind themselves to promulgate or propose, in their respective legislatures, the most suitable measures for immediately carrying into execution the laws of piracy, which are to be applicable to the said traffic, in conformity with the legislative enactments of each of the two countries with respect to the vessels and subjects or citizens of the two nations.

ARTICLE IV.

In order to prevent completely all infringement of the spirit of the present Treaty, the two High Contracting Parties mutually consent that the ships of their respective navies, which shall be provided, as herein-after mentioned, with special instructions for the purpose, may search such merchant vessels of the two nations as may be suspected, on reasonable grounds, of being engaged in the traffic in slaves, or of having been fitted out for the purpose thereof, or of having, during the voyage in which they may be met with by the said cruisers, been engaged in the traffic in slaves, in contravention of the stipulations of the present Treaty; and the two Contracting Parties also agree that the said cruisers may detain such vessels, and send or convey them to be tried in the manner herein-after provided.

With a view to avoid even the possibility of annoyance to the coasting trade of Mexico from the exercise of the mutual right of search stipulated in the present Article, the High Contracting Parties agree that the said right shall not be enforced within a line drawn from the mouth of the Rio Bravo del Norte, in twenty-five degrees fifty-five minutes of north latitude, and ninety-seven degrees twenty-five minutes of longitude west from Greenwich to the port of Sisal, in the peninsula of Yucatan, in twenty-one degrees six minutes of north latitude, and ninety degrees four minutes of longitude west from Greenwich; it being always understood that if a vessel, suspected of being engaged in the slave trade, shall be discovered without the said line by a British or Mexican cruizer, and shall succeed in passing within that line, it shall not on that account be considered as protected by the present restriction; which is solely adopted for the greater security of the coasting trade of Mexico.

Nor shall the reciprocal right of search be exercised in the Mediterranean Sea, nor in the seas of Europe lying without the Straits of Gibraltar, and to the north of the thirty-seventh parallel of north latitude, and to the eastward of the meridian of twenty degrees of Greenwich.

ARTICLE V.

In order to regulate the mode of carrying into execution the provisions of the preceding Article, it is agreed:—

First.—That their respective Governments shall provide the ships of the navies of the two nations to be employed in future in the prevention of the slave trade with copies, in the English and Spanish languages, of the present Treaty; of the instructions for cruizers annexed thereto, sub *litrâ* A.; and of the regulations for the tribunals which shall have to try the vessels detained by virtue of the stipulations contained in this Treaty, which are also annexed, sub *litrâ* B.; which Annexes, respectively, shall be considered as integral parts of the said Treaty.

Secondly.—That each of the High Contracting Parties shall from time to time communicate to the other the names of the several ships destined for this service, and

furnished with such instructions, the force of each, and the names of their commanders.

Thirdly.—That when the commander of a cruizer of either of the two nations shall suspect that any one or more vessel or vessels, navigating under the escort or convoy of a ship of war of the other nation, carries slaves on board, or has been engaged in this prohibited traffic, or is fitted out for it, he shall communicate his suspicions to the commanding officer of the convoy, who, accompanied by the commanding officer of the cruizer, shall proceed to the search of the suspected vessel; and in case that the suspicions appear well founded, according to the tenor of this Treaty, then the said vessel shall be conducted or sent to the place where it is to be brought to trial, in order that the just sentence may there be pronounced.

Fourthly.—It is further agreed that the commanders of the ships of the two navies who shall be employed on this service shall adhere, in each case, to the exact tenor of the said instructions.

ARTICLE VI.

As the two preceding Articles are entirely reciprocal, the High Contracting Parties engage to make good any losses incurred by their respective subjects or citizens by the arbitrary and illegal detention of their vessels, it being understood that this compensation shall be paid invariably by the Government whose cruizer shall have been guilty of such arbitrary and illegal detention; and they also engage that the visit and detention of vessels specified in the fourth article of this Treaty shall only be effected by such English or Mexican ships as may form part of the royal and national navies of the High Contracting Parties, and which are provided with the documents mentioned in the preceding article.

ARTICLE VII.

It is agreed by the present article that the vessels detained, in conformity with the fourth article of this Treaty, by British or Mexican cruizers, shall be conducted or sent, together with their commanders, crews, and cargoes, to the nearest point in the country to which the captured vessel belongs where there may be a competent tribunal to try it; that is to say, British

vessels are to be conducted or sent to the nearest possession of Her Britannic Majesty where such tribunal exists, and Mexican vessels to the port of Vera Cruz, except in cases in which slaves shall be on board at the time of capture, in such case the vessel shall be sent or sent or conducted to the nearest possession of either of the two powers, or to such place belonging to either as may be soonest reached, according to the judgment of the commander of the capturing ship, under his own responsibility, in order that the slaves may be landed. The vessel, with the remainder of her cargo, her commander, and crew, shall be afterwards sent or conducted to the place where she is to be tried, in conformity with the before-mentioned provisions of this article.

The Governments of the High Contracting Parties shall have the power to name by themselves, or through the medium of their Legations or Consulates, an advocate, who may be a subject or citizen of either of the two nations, to undertake the prosecution or defence, as the case may be, of the vessels brought to trial; and solemnly pledge themselves to afford such advocates all necessary liberty and protection, and such as is allowed by law to the advocates of the country.

For the more speedy conclusions of these trials, the High Contracting Parties engage to procure the enactment of laws which shall abridge as much as possible the forms of indictment and sentence.

ARTICLE VIII.

When the commanding officer of any of the ships of the navies of Her Britannic Majesty, or of the Republic of Mexico, commissioned respectively in due form, according to the provisions of the 4th Article of this Treaty, shall deviate in any respect from the stipulations of the said Treaty, or from the instructions annexed thereto, the Government which shall conceive itself wronged shall be entitled to demand reparation; and in such case the Government in whose service the said commanding officer may be binds itself to cause an inquiry to be made into the subject of complaint, and to inflict on such officer a punishment proportioned to the offence.

ARTICLE IX.

It is further agreed that every merchant vessel, British or Mexican, which shall be visited by virtue of the

present Treaty, may be detained, and sent or brought before the proper Tribunals, if there shall be found in her equipment any of the following things :—

First. Hatches with open gratings, instead of the close hatches which are used in merchant vessels.

Secondly. Divisions or bulkheads in the hold or on deck, in greater number than are necessary for a vessel engaged in a lawful trade.

Thirdly. Spare plank prepared to be fitted up as a second or slave deck.

Fourthly. Shackles, bolts, or handcuffs.

Fifthly. A quantity of water in casks or tanks, much greater than is requisite for the consumption of the crew of the vessel as a merchant vessel.

Sixthly. An extraordinary number of water-casks, or of other vessels for holding liquid, unless the master shall produce a certificate from the custom house of the port from which he cleared outwards, stating that the owners of such vessel had given sufficient security that such extra quantity of casks or of other vessels should only be employed to receive palm oil, or for other purposes of lawful commerce.

Seventhly. A greater quantity of mess tubs than are requisite for the use of the crew of the vessel as a merchant vessel.

Eighthly. A boiler of an unusual size, and larger than is requisite for the use of the crew of the vessel as a merchant vessel ; or more than one boiler of the ordinary size.

Ninthly. An extraordinary quantity of rice, of flour of Brazil, of manioc or cassava, commonly called farina of maize, exceeding what might probably be consumed by the crew ; such rice, flour, or maize not appearing to be entered on the manifest as part of the cargo for trade.

Any one or more of these several circumstances, if proved, shall be considered as indications, *primâ facie*, of the actual employment of the vessel in the slave trade ; and will serve, therefore, to condemn and declare her a lawful prize, unless it be established by satisfactory evidence on the part of the master or owners, that the vessel, at the time of her detention, was employed in some legal pursuit.

ARTICLE X.

If any of the things specified in the preceding article be found in any merchant vessel, no compensation for losses, damages, or expenses resulting from the detention of such vessel shall be allowed, either to her master or to her owner, or other person interested in her equipment or lading, even though the Tribunal declare her acquitted.

ARTICLE XI.

It is hereby agreed between the two High Contracting Parties, that in all cases in which a vessel shall be detained according to the stipulations of this Treaty, by their respective cruisers, as having been engaged in the slave trade, or as having been fitted out for the purpose thereof, and shall consequently be tried and condemned by the proper Tribunal, the said vessel shall, immediately after her condemnation, be broken up, and the separate parts sold.

ARTICLE XII.

Each of the High Contracting Parties solemnly binds itself to guarantee the liberty of the negroes who may be emancipated and conducted to either of the two nations, by virtue of the stipulations of this Treaty, from the moment of their landing in their respective territories; and to afford, from time to time, when demanded by the other party, or by the respective Tribunals, the fullest information as to the state and condition of such negroes, with a view of ensuring the due execution of the Treaty in this respect.

For this purpose, the regulations annexed to this Treaty, sub *littéra* C., as to the treatment of such liberated negroes, have been drawn up and declared an integral part of the said Treaty.

The High Contracting Parties reserve to themselves the right of altering and suspending by common consent, but not otherwise, the terms of the said Regulations.

ARTICLE XIII.

The Annexes to this Treaty, which it is mutually agreed shall form an integral part thereof, are as follow :—

A. Instructions for the ships of the British and Mexican Navies destined to prevent the traffic in slaves.

B. Regulations for the Tribunals which are to take cognisance of the trials of the vessels detained by virtue of the stipulations of this Treaty.

C. Regulations for the treatment of the liberated negroes.

ARTICLE XIV.

As the principal object of this Treaty, additional Articles, and three Annexes, which form part of it, is no other than that of preventing the traffic in slaves, without any annoyance to the respective merchant shipping of the two nations, the High Contracting Parties, animated by the same sentiments, agree that if in future it should appear necessary to adopt new measures for attaining the said benificent object, or for obviating any inconvenience to the aforesaid shipping, which experience shall have made known, in consequence of those established in this Treaty, additional Articles, and Annexes, proving inefficacious, the said High Contracting Parties will consult together for the complete attainment of the object proposed.

ARTICLE XV.

The present Treaty, consisting of fifteen Articles, shall be ratified, and the ratifications thereof exchanged in London, within a year from this date.

In witness whereof the respective Plenipotentiaries have signed in duplicate, in the English and Spanish languages, the present Treaty, and have affixed their respective seals.

Done in the city of Mexico, this twenty-fourth day of February, in the year of Our Lord one thousand eight hundred and forty-one.

(L.S.)	RICHARD PAKENHAM.
(L.S.)	LUIS GONZAGA CUEVAS.

ADDITIONAL ARTICLES.

I.

Her Britannic Majesty agrees that for the first eight years of the duration of the present Treaty, the Govern-

ment of the Republic shall not be obliged to appoint cruizers to prevent the traffic in slaves ; but the said Government of Mexico reserves to itself the right of appointing such cruizers as soon as the circumstances of its navy may permit such appointment, giving notice thereof to the Government of Her Britannic Majesty.

II.

To avoid even the possibility of prejudice resulting from the ninth article of the Treaty of this date to the merchant vessels which the Mexican Government may have occasion to employ in certain cases for the conveyance of troops by sea, or of convicts from one point of the Republic to another, it is agreed to except from the operation of the ninth article the merchant vessels employed by the Mexican Government in such service. Such vessels shall not be liable to be detained even if one or more of the things mentioned in the aforesaid article should be found on board, provided they do not convey negroes destined for the slave trade ; and that the captain of the vessel on board which the prohibited articles or effects are found produce a document, signed by any competent authority of the Republic, stating the service on which such vessel is employed ; but such document must not be of a date so remote that it may be believed, on reasonable grounds, to have been issued for another voyage, anterior to that on which such vessel has been met with.

The two preceding Additional Articles shall have the same force and effect as if they had been inserted, word for word, in the Treaty of this date. They shall be ratified, and the ratifications exchanged, at the same time as those of the Treaty of which they form part.

In witness whereof the respective Plenipotentiaries have signed them and affixed their seals.

Done in the city of Mexico, this twenty-fourth day of February, in the year of Our Lord one thousand eight hundred and forty-one.

(L.S.) RICHARD PAKENHAM.

(L.S.) LUIS GONZAGA CUEVAS.

ANNEX A. to the TREATY between GREAT BRITAIN and
the REPUBLIC of MEXICO for the Abolition of the
Slave Trade.

*Instructions for the Ships of the British and Mexican
Navies employed to prevent the Traffic in Slaves.*

ARTICLE I.

The commander of any ship belonging to the navy of Her Britannic Majesty, or of the Republic of Mexico, duly furnished with these instructions, shall have the right to visit, search, and detain any British or Mexican merchant vessel which shall be engaged, or suspected on good grounds of being engaged, in the slave trade, or of being fitted out for that purpose, or of having been engaged in the said traffic during the voyage in which such vessel may be met with by such ship of the British or Mexican navy. If such commander should find his suspicions borne out, he may send or bring such vessel, as soon as possible, to be tried by the competent Tribunals, according to the tenor of the 7th article of the Treaty of this date.

ARTICLE II.

Whenever a ship of either of the two said navies, duly authorised as aforesaid, shall meet a merchant vessel liable to be visited under the provisions of the Treaty, the search shall be conducted in the most considerate manner, and with every attention which ought to be observed between two allied and friendly nations ; and the search shall, in every case, be made by an officer holding a rank not lower than that of lieutenant in the navy to which he belongs, or by the officer who at the time shall be second in command of the ship by which the search is made.

ARTICLE III.

The commander of any ship of the two navies, duly authorised, who may detain any merchant vessel in pursuance of the present instructions, shall leave on board the detained vessel her master, mate, or boatswain, and two or three at least of her crew, all her cargo, and all the slaves until they arrive at the place

where they are to be disembarked, as stipulated in the 7th article of the Treaty.

The captor shall, at the time of detention, draw up in writing an authentic declaration, to be signed by himself, which shall set forth the state in which he found the detained vessel; and this document shall be given in or sent, together with the captured vessel, to the Tribunal before which such vessel shall be carried or sent for adjudication.

The said captor shall deliver to the master of the detained vessel a signed certificate, stating the papers seized on board the same, as well as the number of slaves found on board at the time of detention.

In the authentic declaration hereby required to be made by the captor, and in the certificate of the papers seized, he shall insert his name and rank, the name of the capturing ship, the latitude and longitude of the spot where the detention shall have taken place, and the number of slaves found on board the vessel at the time of such detention.

The declaration to be produced by the capturing commander shall also be set forth the place where the slaves have been landed, in pursuance of the stipulation in the 7th article of the Treaty, as well as the necessity and reasons for having conveyed them to such place.

The officer in charge of the detained vessel shall, at the time of giving in the aforesaid papers to the proper Tribunal, produce a statement, sworn to and signed by himself, of the changes which may have taken place with respect to the vessel, her crew, the slaves, if any, and her cargo, from the time of her detention to the day of the delivery of such document.

The undersigned Plenipotentiaries have agreed in conformity with the 13th article of the Treaty signed this day, that the preceding instructions, consisting of three articles, shall be annexed to the said Treaty, and be considered an integral part thereof.

Done in the city of Mexico, this twenty-fourth day of February one thousand eight hundred and forty-one.

(L.S.) RICHARD PAKENHAM.
(L.S.) LUIS GONZAGA CUEVAS.

ANNEX B. to the TREATY between GREAT BRITAIN and the REPUBLIC of MEXICO for the Abolition of the Slave Trade.

Regulations for the Courts which are to take cognizance of the causes of the Vessels detained by virtue of the stipulations of the Treaty of this date.

ARTICLE I.

The courts which, according to the laws of the two contracting nations, are to take cognizance of the causes of the vessels detained by virtue of the stipulations of the Treaty to which these regulations are annexed, shall proceed in the most summary manner permitted by the laws of their respective countries, and with entire subjection to the stipulations of the said Treaty, observing in every case the strictest impartiality.

Each of the two High Contracting Parties engages to defray out of their respective treasuries the salaries of the judge and officers appointed to take cognizance of these causes.

ARTICLE II.

The expenses incurred by the officer charged with the reception, maintenance, and care of the detained vessel, slaves, and cargo, and the expenses of carrying the sentence into execution, and all disbursements occasioned in bringing the vessel before the competent court, shall in case of condemnation, be defrayed from the funds arising from the sale of the materials of the vessel, after the same shall have been broken up, of the ship's stores and other articles of merchandise found on board ; and in case the proceeds arising from such sales should not prove sufficient to defray such expenses, the deficiency shall be made good by the Government of the country within whose territory the vessel shall have been tried.

If the detained vessel should be acquitted, the expenses occasioned by bringing her to adjudication shall be defrayed by the captor, except in the cases specified and provided for in the tenth article of the Treaty of this date, and in the sixth article of these regulations.

ARTICLE III.

The final sentence of the courts which have to take cognizance of these causes shall not in any case be delayed for more than two months, whether on account of the absence of witnesses, or for any other cause, except upon the application of any of the parties interested; but in that case, upon such party or parties giving satisfactory security that they will take upon themselves the expense and risks of the delay, the courts may, at their discretion, grant an additional delay, not exceeding four months. Either party may employ such person or persons as he may think fit to assist him in the trials in question.

All the acts and essential parts of the proceedings of the respective courts shall be drawn up in writing, in the language of the country to which the court belongs.

ARTICLE IV.

If the detained vessel shall be restored by the sentence of the court, the vessel and the cargo, in the state in which they shall then be found, shall forthwith be given up to the master, or to the person who represents him, and such master or other person may, before the same court, claim a valuation of the damages which he may have a right to demand.

The captor himself, and, in his default, his Government, shall remain responsible for the damages to which the master of such vessel, or the owners, either of the vessel or of her cargo, may be pronounced to be entitled.

The two High Contracting Parties bind themselves to pay, within the term of a year from the date of the sentence, the costs and damages which may be awarded by the above-named court; it being mutually understood and agreed, that such costs and damages shall be made good by the Government of the country of which the captor shall be a subject.

ARTICLE V.

If the detained vessel shall be condemned, she shall be declared lawful prize, together with her cargo, of whatever description it may be; and the said vessel

shall, as well as her cargo, be sold by public auction for the benefit of the Two Governments, subject to the payments of the expenses herein-after mentioned.

ARTICLE VI.

The courts shall also take cognisance of, and shall decide definitively and without appeal, all claims for compensation on account of losses occasioned to vessels and cargoes which shall have been detained under the provisions of this Treaty, but which shall not have been condemned as legal prize by the said courts; and in all cases where restitution of such vessels and cargoes shall be decreed, save as mentioned in article the tenth of the Treaty to which these regulations form an Annex, and in a subsequent part of these regulations, the court shall award to the claimant or claimants, or to his or their lawful attorney or attorneys, for his or their use, a just and complete indemnification for all costs of suit, and for all losses and damages which the owner or owners may have actually sustained by such capture and detention; and it is agreed that the indemnification shall be as follows:—

First.—In case of total loss, the claimant or claimants shall be indemnified,—

- A. For the ship, her tackle, equipment, and stores.
- B. For all freights due and payable.
- C. For the value of the cargo of merchandise, if any, deducting all charges and expenses payable upon the sale of such cargo, including commission of sale.
- D. For all other regular charges in such case of total loss.

Secondly.—In all cases (save as herein-after mentioned) not of total loss, the claimant or claimants shall be indemnified,—

- A. For all special damages and expenses occasioned to the ship by the detention, and for loss of freight when due or payable.
- B. For demurrage when due, according to the schedule annexed to the present article.
- C. For any deterioration of the cargo.
- D. For all premium of insurance on additional risks.

The claimant or claimants shall be entitled to interest at the rate of 5 (five) per cent. per annum on the sum awarded, until such sum is paid by the Government to

which the capturing ship belongs. The whole amount of such indemnifications shall be calculated in the money of the country to which the detained vessel belongs, and shall be liquidated at the exchange current at the time of the award.

The two High Contracting Parties, however, have agreed that if it shall be proved to the satisfaction of the courts that the captor has been led into error by the fault of the master or commander of the detained vessel, the detained vessel in that case shall not have the right of receiving, for the time of her detention, the demurrage stipulated by the present article, nor any other compensation for losses, damages, or expenses consequent upon such detention.

SCHEDULE of demurrage or daily allowance.

For a vessel of 100 tons to 120 inclusive £5					} per diem.
121	„	150	„	6	
151	„	170	„	8	
171	„	200	„	10	
201	„	220	„	11	
221	„	250	„	12	
251	„	270	„	14	
271	„	300	„	15	

and so in proportion.

ARTICLE VII.

Neither the magistrates who constitute the courts, nor the secretaries, nor the subordinate officers, shall demand or receive from any of the parties concerned in the cases which shall be brought before such courts, any emolument or gift, under any pretext whatsoever, for the performance of their duties.

The undersigned Plenipotentiaries have agreed, in conformity with the thirteenth article of the Treaty of this date, that the preceding regulations, consisting of seven articles, shall be annexed to the said Treaty, and considered as an integral part thereof.

Done in the city of Mexico, this twenty-fourth day of February one thousand eight hundred and forty-one.

(L.S.)	RICHARD PAKENHAM.
(L.S.)	LUIS GONZAGA CUEVAS

ANNEX C. to the TREATY between GREAT BRITAIN and
the REPUBLIC of MEXICO for the Abolition of the
Slave Trade.

Regulations for the Treatment of liberated Negroes.

ARTICLE I.

The object of these regulations is to secure to negroes liberated by the stipulations of the Treaty to which they form an Annex (sub literâ C.), permanent good treatment, and full and complete emancipation, in conformity with the humane intentions of the High Contracting Parties.

ARTICLE II.

As soon as the slaves are disembarked, in conformity with the provisions of the seventh article of the Treaty to which these regulations are annexed, they shall receive from the chief political authority a certificate of emancipation, and shall immediately be placed at the disposition of the Government of the nation to which the point or place of disembarkation belongs, in order that they may be treated in accordance with the present regulation.

ARTICLE III.

The Government of the Republic of Mexico engages, when the case occurs, to secure to the negroes the enjoyment of their acquired liberty, good treatment, adequate instruction in the tenets of religion and morality, and such as may be necessary in order that they may be able to maintain themselves as artisans, mechanics, or domestic servants.

ARTICLE IV.

Her Britannic Majesty, in like manner, engages to treat such negroes, when disembarked in any point of her dominions, in exact conformity with the laws in force in the colonies of Great Britain for the regulation of the emancipated negroes.

ARTICLE V.

The two Governments engage to take the requisite measures with a view to obtain periodically information of the existence of the negroes who may have been emancipated by virtue of the Treaty of this date, of the improvement in their condition, and of the progress made in their instruction, both religious and moral, as also in the arts of life; or proof of their death. These data will serve to furnish, as the case occurs, the information spoken of in the twelfth article of the said Treaty.

The undersigned Plenipotentiaries have agreed, in conformity with the thirteenth article of the Treaty of this date, that these regulations, consisting of five articles, shall be annexed to the said Treaty, and be considered as an integral part thereof.

Done in the city of Mexico, this twenty-fourth day of February, in the year of our Lord one thousand eight hundred and forty-one.

(L.S.)	RICHARD PAKENHAM.
(L.S.)	LUIS GONZAGA CUEVAS.

NEW GRANADA (COLOMBIA).

The Treaty Engagement in force between Great Britain and Granada for the Suppression of the Slave Trade, to which your attention is particularly directed, is :—

The Treaty, dated the 2nd of April, 1851, and the Appendix thereto.

The Limits within which you are authorised to exercise the powers of Visit, Search, and Detention over Granadian Vessels, are : Treaty,
Art. III.

- (1.) From the 35th Degree of West Longitude, calculated from the Meridian of London, to the Coast of Africa ; and from the 15th Degree of North Latitude to the 20th Degree of South Latitude.
- (2.) Within 30 Leagues from the East Coast of Africa from the 10th Degree of North Latitude to the 26th Degree of South Latitude.
- (3.) Within 30 Leagues from the Coast of Madagascar.
- (4.) Within 30 Leagues from the Coast of Cuba.
- (5.) Within 30 Leagues from the Coast of Porto Rico.
- (6.) Within 30 Leagues from the Coast of Brazil.

You are likewise authorised to exercise the same powers over any vessel beyond the Limit of 30 Leagues, provided she was within the limit when you first began to chase her, and provided you did not lose sight of her during the chase.

The Visit and Search of a Granadian vessel shall not be made by an Officer of a Rank lower than that of Lieutenant, unless he is at the time second in command of the Ship. Appendix,
Art. II.

The Authority for the Visit and Search of a Granadian vessel is the Copy of the Appendix to the Treaty which you will find at page 152. Appendix,
Art. I.

Treaty,
Art. V.

The fact that a vessel has in her Outfit any of the Equipments mentioned in the 8th, 9th, and 10th Paragraphs of the 52nd Section* will not render her liable to Detention, if the Equipments are entered in the Manifest as part of the Cargo for Trade

Appendix,
Art. III.

Copies of the Certificates, Nos. 3 and 4† respectively, required to be made on the detention of a vessel, shall be delivered to the Master.

Treaty,
Art. IV., and
Appendix,
Art. V.

The proper Port of Adjudication for a Granadian vessel is the nearest or most accessible Granadian Port. But, if there are Slaves on board, the vessel shall first be sent to a British Port, and the Slaves there delivered over to the British Authorities. The British Port will be,—

- (1.) If the vessel has been detained on the Brazilian Station, Demerara.
- (2.) If the vessel has been detained on the West India Station, Port Royal in Jamaica.
- (3.) If the vessel has been detained on the Madagascar Station, or on the East Coast of Africa, the Cape of Good Hope or the Mauritius.
- (4.) If the vessel has been detained on the African Station, Bathurst on the River Gambia.

After the Slaves have been delivered up, the vessel shall be sent on to the Port of Adjudication.

Appendix,
Art. IV.

A copy of the Certificate No. 9,† required to be made on the removal of any Person or Article from the detained vessel, shall be inserted on her Log Book.

* See Vol. I, page 9.

† See Appendix to General Instructions, Vol. I, page 21.

NEW GRANADA (COLOMBIA).

TREATY* between HER MAJESTY and the REPUBLIC of
NEW GRANADA, for the Suppression of the Slave
Trade. Signed at Bogotá, April 2, 1851.

[*Ratifications exchanged at Bogotá, December 16, 1851.*]

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Republic of New Granada, being equally animated by a sincere desire to co-operate for the utter extinction of the detestable and criminal traffic in slaves, have resolved to conclude a Treaty for the special purpose of attaining this object; and have respectively named for this purpose as their Plenipotentiaries, to wit :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Daniel Florence O'Leary, Esquire, Her Britannic Majesty's Chargé d'Affaires in the Republic of New Granada ;

And the President of the Republic of New Granada, Senor Victoriano de Diego Paredes, Granadian Secretary of State for Foreign Affairs ;

Who, having communicated to each other their respective full powers, and found them to be in due and proper form, have agreed upon and concluded the following Articles :—

ARTICLE I.

The introduction of slaves into the territory of New Granada having been prohibited by law, all traffic in slaves in any and every part of the world is hereby declared to be henceforward and for ever prohibited to Granadian citizens, as it has long been by the law of Great Britain for all British subjects; and all Granadian citizens who shall engage in the slave trade, by sea or by land, or who shall make use of the Granadian flag for

* Confirmed by Act of Parliament, 16 Vict., c. 17.
VOL. II.

the transport of slaves from any place to any other place, shall be treated and punished as pirates, conformably to the laws of New Granada.

ARTICLE II.

In order more completely to accomplish the object of the present Treaty, the two High Contracting Parties agree to authorise some of the ships of war of their navies respectively to visit and search merchant vessels of the two nations which may be met with at sea within the limits to be herein-after specified, and which, by the direction of their course, or upon other reasonable grounds, shall afford motives for suspecting that they are engaged in the slave trade; and likewise, under the circumstances mentioned in this Treaty, to detain, carry away, or send away such vessels, in order that they may be brought to trial in the manner herein-after agreed upon.

ARTICLE III.

The limits within which the merchant vessels of the two nations shall be subject to the visit and search mentioned in the preceding article shall be the following:

1st. From the thirty-fifth degree of west longitude, reckoned from the meridian of London, to the coast of Africa; and from the fifteenth degree of north latitude to the twentieth degree of south latitude.

2nd. All round the Island of Madagascar, to the extent of thirty leagues from that island.

3rd. All along the east coast of Africa, from latitude ten degrees north of the Equator to the twenty-sixth degree of south latitude, and to the extent of thirty leagues from that coast.

4th. The same distance all round from the coasts of the Island of Cuba.

5th. The same distance from the coasts of the Island of Puerto Rico; and,

6th. The same distance from the coasts of Brazil.

It is however understood, that a suspected vessel descried and begun to be chased by the cruisers, whilst within the said space of thirty leagues, may be searched by them beyond those limits, if, without ever having lost sight of her, they should succeed in coming up with

her at a greater distance from any of the above-mentioned coasts.

ARTICLE IV.

All merchant vessels of the two nations which shall be visited in virtue of this Treaty, and which shall be found either with slaves on board, or equipped for slave trade, shall be detained, and shall be sent or carried to one of the ports under British jurisdiction if the vessel detained should be British, or to one of the ports of New Granada if the vessel detained should be Granadian, to be tried by the courts which take cognisance of the crime of piracy, according to the laws of the respective countries.

And such vessels, with the whole of their cargoes, shall be subject to the penalty of confiscation for having been found engaged in the slave trade.

ARTICLE V.

Every merchant vessel, British or Granadian, which shall be visited in virtue of the provisions contained in the Articles II. and III. of the present Treaty, may lawfully be detained, and be sent or brought before the proper tribunals, according to the nation to which it may belong, if any one or more of the things hereinafter specified shall be found in her outfit or equipment :

1st. Hatches with open gratings, instead of the close hatches which are usual in merchant vessels.

2nd. Divisions or bulkheads in the hold or on deck in greater number than are necessary for vessels engaged in lawful trade.

3rd. Spare plank fitted for being laid down as a second or slave deck.

4th. Shackles, bolts, or handcuffs.

5th. A larger quantity of water in casks or tanks than is requisite for the consumption of the crew of the vessel as a merchant vessel.

6th. An extraordinary number of water casks, or of other receptacles for holding liquid ; unless the master shall produce a certificate from the custom-house at the place from which he cleared outwards, stating that sufficient security had been given by the owners of such

vessel that such extra quantity of casks, or of other receptacles for holding liquid, should only be used to hold palm oil, or for other purposes of lawful commerce.

7th. A greater quantity of mess tubs or kids than are requisite for the use of the crew of the vessel as a merchant vessel.

8th. A boiler, or other cooking apparatus of an unusual size, and larger, or fitted for being made larger, than requisite for the use of the crew of the vessel as a merchant vessel ; or more than one boiler or other cooking apparatus of the ordinary size.

9th. An extraordinary quantity of rice, of the flour of Brazil, manioc or cassada, commonly called farinha ; of maize, or of Indian corn, or of any other article of food whatever, beyond what might probably be requisite for the use of the crew.

10th. A quantity of mats or matting greater than is necessary for the use of the vessel as a merchant vessel.

The articles enumerated in the 8th, 9th, and 10th paragraphs, when found on board, shall not expose the vessel to detention or trial, whenever such articles shall appear as entered in the manifest as part of the cargo for trade.

Any one or more of the several things above enumerated, if proved to have been found on board, shall be considered as *prima facie* evidence of the actual employment of the vessel in the slave trade ; and the vessel shall thereupon be condemned, and be declared lawful prize, unless clear and undisputable evidence, on the part of the master or owners, shall establish, to the satisfaction of the court, that such vessel was, at the time of her detention or capture, employed in some legal pursuit ; and that such of the several things above enumerated as were found on board her at the time of her detention were needed for legal purposes on that particular voyage.

ARTICLE VI.

In order to regulate the mode of carrying into execution the visit of merchant vessels of the two nations, by the cruizers charged with the duty of preventing the slave trade, it is agreed that the commanders of such cruizers shall be furnished with copies

of this Treaty in English and in Spanish, and with copies of the instructions contained in the Appendix annexed thereto, which instructions shall be considered as an integral part of the present Treaty.

ARTICLE VII.

If the commanding officer of any of those ships of the navies of Great Britain and of the Granadian Republic respectively, which shall be duly commissioned according to the provisions of this Treaty, shall deviate in any respect from the stipulations of the said Treaty, or from the instructions annexed to it, the Government which shall conceive itself to be wronged thereby shall be entitled to demand reparation; and in such case the Government to which such commanding officer may belong binds itself to cause inquiry to be made into the subject matter of the complaint, and to inflict upon the said officer a punishment proportioned to the transgression committed.

ARTICLE VIII.

The two High Contracting Parties mutually engage to make good the damage and losses which may be incurred by the illegal detention of the vessels of their respective subjects or citizens; it being understood that the Government to which the capturing ship belongs shall pay the damages and losses occasioned to the captured vessel, and that this payment shall be made within the term of one year reckoned from the day on which the proper tribunal shall have pronounced a definite sentence on the vessel for the detention of which such compensation is claimed.

ARTICLE IX.

If any of the things specified in Article V. of this Treaty shall be found in any merchant vessel detained under this Treaty, no compensation for losses, damages, or expenses consequent upon the detention of such vessel shall, in any case, be granted either to her master or to her owner, or to any other person interested in her equipment or cargo, even though the proper tribunal should not pronounce any sentence of condemnation in consequence of her detention.

ARTICLE X.

It is hereby agreed between the two High Contracting Parties, that in all cases in which a vessel shall be detained under this Treaty, by their respective cruizers, as having been engaged in the slave trade, or as having been fitted out for the purposes thereof, and shall in consequence thereof be adjudged and condemned by the proper tribunal, the said vessel shall, immediately after condemnation, be broken up entirely into several parts so as to be useless as a vessel, and shall be sold in separate parts, after having been so broken up.

ARTICLE XI.

The visit and detention of vessels, in pursuance of Article II. of this Treaty, shall be effected only by such of the ships of the British and Granadian navies respectively as shall be provided with the special instructions contained in the Appendix annexed to this Treaty; and each of the two High Contracting Parties shall from time to time communicate to each other the names of the ships of war which are furnished with such instructions, the force of each ship, and the names of their several commanders.

ARTICLE XII.

It is by no means to be understood, that by the provisions of the present Treaty New Granada shall be under any obligation to fit out cruizers expressly to aid in the pursuit of vessels engaged in the slave trade.

ARTICLE XIII.

All the slaves who are found on board a merchant vessel detained either by British or Granadian cruizers, in conformity with the stipulations of this Treaty, shall be placed at the disposal of Her Britannic Majesty's Government at the time and at the several ports which shall be stipulated in the Appendix annexed to this Treaty, and shall immediately be set at liberty, and shall be secured in the permanent enjoyment of their freedom.

ARTICLE XIV

The High Contracting Parties to the Present Treaty mutually agree, that if, at the expiration of twenty-four years, reckoned from the date of the exchange of the ratifications thereof, it shall appear desirable to either of the Contracting Parties, either on account of the trade in slaves having ceased, or for other reasons, that the present Treaty should cease and determine, it shall be lawful for that one of the Contracting Parties to give notice thereof to the other Contracting Party ; and the Treaty shall cease and determine accordingly at the end of one year from the date of the receipt of such notice.

And it is clearly understood that if, in pursuance of the right which the High Contracting Parties reserve to themselves by this article, the present Treaty should be annulled at any time anterior to the total and final cessation of the traffic in slaves, the obligations contracted towards Great Britain by the Republic of New Granada, by Article XIII. of the Treaty of 1825, "to co-operate "with Great Britain for the total abolition of the slave trade," will nevertheless remain in full force until such total and final abolition is effected.

ARTICLE XV.

The present Treaty, consisting of fifteen articles, shall come into operation on the 7th of March, 1852. The Treaty shall be ratified, and the ratifications thereof exchanged in Bogotá within the space of nine months from this date, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have thereunto affixed their respective seals.

Done at Bogotá, this second day of April, in the year of our Lord one thousand eight hundred and fifty-one.

(L.S.)	DANIEL F. O'LEARY.
(L.S.)	VICTO. DE D. PAREDES.

APPENDIX which contains the INSTRUCTIONS for the SHIPS of the BRITISH and GRANADIAN NAVIES employed in preventing the Slave Trade.

ARTICLE I.

The commander of any ship belonging to the navy of Her Britannic Majesty or of the Republic of New Granada, which shall be furnished with these instructions, shall have a right to visit and search, within the limits mentioned in Article III. of the Treaty signed this day, any British or Granadian merchant vessel suspected of being engaged in slave trade, or of being fitted out for the purposes thereof; and if from the search it shall appear that the suspicions entertained are well founded, such commander shall have the right of detaining such vessel, and shall thereupon, as soon as possible, carry or send the vessel so captured to any one of the ports hereinafter mentioned which shall be nearest to the place where the vessel was detained, or which such commander shall, upon his own responsibility, think can be soonest reached from such place, in order to be tried according to the provisions of Article IV. of this Treaty.

ARTICLE II.

Whenever a ship of war of either of the two High Contracting Parties, duly authorised as aforesaid, shall meet a merchant vessel liable to be visited under the provisions of the said Treaty, the search of such vessel shall be conducted in the mildest manner, and with every attention which ought to be observed between allied and friendly nations; and the search shall in all cases be made by an officer holding a rank not lower than that of lieutenant in the British or Granadian navies respectively (unless the command shall, by reason of death or otherwise, have devolved upon an officer of inferior rank), or by the officer who at the time shall be second in command of the ship by which the search is made.

ARTICLE III.

The commander of any ship of war of the two nations, duly authorised as aforesaid, who may detain any mer-

chant vessel in pursuance of the present instructions, shall leave on board the vessel so detained the master, the mate or boatswain, and two or three at least of the crew thereof, the whole of the slaves, if any, and all the cargo.

The captor shall, at the time of detention, draw up in writing an authentic declaration, which shall exhibit the state in which he found the detained vessel; and such declaration shall be signed by himself, and shall be given in or sent in, together with the captured vessel, to the court before which such vessel shall be carried or sent for adjudication.

The captor shall deliver to the master of the detained vessel a certified list of the papers seized on board the same, as well as a statement of the number of slaves, if any, found on board at the moment of detention.

If the authenticated declaration which the captor is hereby required to make, as well as in the certified list of the papers seized, the captor shall insert his own name, the name of the capturing ship, the latitude and longitude of the place where the detention shall have been made, and the number of slaves, if any, found on board the vessel at the time of her detention.

The officer in charge of the vessel detained shall, at the time when he brings the vessel's papers to the proper tribunal, deliver into the Court a paper signed by himself, and verified on oath, stating any changes which may have taken place in respect to the vessel, her crew, the slaves, if any, and her cargo, between the period of her detention and the time of delivering in such paper.

ARTICLE IV.

The slaves shall not be disembarked till after the vessel which contains them shall have arrived at the place of adjudication; and even after the vessel has arrived at such place they shall not be landed without the permission of the proper tribunal, except in the cases herein-after specified in respect of slaves found on board Granadian vessels.

But if urgent reasons, deduced from the length of the voyage, from the state of health of the slaves, or from other causes, should require that either the whole or a portion of the slaves should be disembarked, or

should be transhipped before the vessel can arrive at the port at which the proper tribunal is established, or after her arrival there, and before adjudication, the commander of the capturing ship may take upon himself the responsibility of so disembarking or transshipping the slaves; provided that such necessity, and the causes thereof, be stated in a certificate in proper form, and that this certificate be entered at the time in the log book of the detained vessel.

ARTICLE V.

All such British vessels as shall be detained on the Brazilian station by Granadian cruisers shall be carried and delivered up to the British jurisdiction at the colony of Demerara.

All such British vessels as shall be detained on the West India station by Granadian cruisers shall be carried and delivered up to the British jurisdiction at Port Royal, in Jamaica.

All such British vessels as shall be detained on the Madagascar station, or on the east coast of Africa by Granadian cruisers, shall be carried and delivered up to the British jurisdiction at the Cape of Good Hope, or at the Mauritius, as may be most convenient.

All such British vessels as shall be detained on the African station by Granadian cruisers shall be carried and delivered up to British jurisdiction at Bathurst, on the River Gambia.

All such Granadian vessels as shall be detained on the Brazilian and West India stations, as well as on those of Madagascar and Africa, by British cruisers, shall be carried and delivered up to the Granadian jurisdiction at any of the ports belonging to the Republic of New Granada, except when slaves shall be found on board at the time of the capture; in which case the vessel shall, in the first instance, be sent or carried to deposit the slaves at the port to which the vessel would have been taken for trial if she had been detained under the British flag. The vessel, with the rest of her cargo and crew, shall afterwards be sent on and delivered to the Granadian jurisdiction at any of the ports belonging to the Republic, as above stipulated.

The undersigned Plenipotentiaries have agreed, in conformity with Article VI. of the Treaty signed by them on this day, the second day of April, in the year of our Lord one thousand eight hundred and fifty-one, that the present Appendix, which contains five Articles, shall be annexed to the said Treaty, and shall be considered as an integral part thereof.

The second day of April, in the year of our Lord one thousand eight hundred and fifty-one.

(L.S.)

DANIEL F. O'LEARY.

(L.S.)

VICTO. DE D. PAREDES.

URUGUAY.

The Treaty Engagements in force between Great Britain and Uruguay for the Suppression of the Slave Trade, to which your attention is particularly directed, are :—

The Treaty, dated the 13th of July 1839, and the Annexes A., B., and C., thereto ;
The additional Articles thereto of the same date.

The Treaty does not prescribe any Limits within which you are authorised to exercise the powers of Visit, Search, and Detention over Montevidean Vessels.

Annex A.
Art. I.

Every Vessel under the Oriental flag, shall, for the purpose of the Treaty, be considered a Montevidean Vessel.

Treaty,
Art. V., 3.

If you have reason to suspect that a Vessel sailing under the Escort or Convoy of a Montevidean Cruiser is engaged in or equipped for the Slave Trade, you will communicate your suspicions to the Commander of the Convoy, and offer to accompany him in a Visit to the suspected Vessel. If your suspicions of the Vessel prove to be well founded, you will detain her, provided that, by reason of her Nationality, she is subject to your authority. You will be careful, however, so far as may be compatible with the execution of your duty, to act with the concurrence of the Commander of the Convoy, and you are authorised to call upon him for any assistance that you may require. In like manner, if a Commander of a Montevidean Ship, duly authorised under this Treaty, communicates to you his suspicions that a Vessel under your Convoy is engaged in or equipped for the Slave Trade, you will invite him to accompany you in a Visit to the suspected Vessel ; and you will take care that the Visit is conducted in a strict and satisfactory manner. In the event of the suspicions proving to be well founded, you will give every facility for the Detention of the Vessel by the Montevidean Commander. You will by the first opportunity send a full Report of the Case,

together with your own remarks thereon, to the Senior Officer of your Division, and a Duplicate thereof to the Secretary of the Admiralty.

The Visit and Search of a Montevidean Vessel shall not be made by an Officer of a Rank lower than that of a Lieutenant, unless he is at the time second in command of the Ship. Annex A.
Art. II.

The Authority for the Visit and Search of a Montevidean Vessel is the Copy of Annex A. to the Treaty which you will find at page 165. Annex A.
Art. I.

The fact that a Vessel has in her Outfit a quantity of Mats or Matting greater than is necessary for the use of the Crew will not of itself be a sufficient ground for detaining her. Treaty,
Art. IX.

Copies of the Certificates, Nos. 3 and 4,* respectively, required to be made on the detention of a Vessel, shall be delivered to the Master. Annex A.
Art. III.

The proper Port of Adjudication for a Montevidean Vessel is Sierra Leone, that being at present the only Port at which there is a Mixed Court of Justice established in pursuance of the Treaty. Treaty,
Art. VII.

A copy of the Certificate No. 9,* required to be made on the removal of any Person or Article from the Detained Vessel, shall be inserted on her Log Book. Annex A.
Art. IV.

The Slaves shall not be landed at the Port of Adjudication until permission has been obtained from the Mixed Court of Justice. Annex A.
Art. IV.

* See Appendix to General Instructions, Vol. I, p. 21.

URUGUAY.

TREATY* between HER MAJESTY and the ORIENTAL REPUBLIC of the URUGUAY, for the abolition of the Trade in Slaves. Signed at Monte Video, July 13, 1839.

[*Ratifications exchanged at Monte Video, January 21st, 1842.*]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Excellency the President of the Oriental Republic of the Uruguay, being mutually animated by a sincere desire to co-operate for the utter extinction of the barbarous traffic in slaves, have resolved to proceed to the conclusion of a Treaty, for the special purpose of immediately attaining this object, so far as relates to the total and final abolition of the slave trade of the Oriental Republic of the Uruguay; and have respectively named for this purpose as their Plenipotentiaries, to wit:—

Her Britannic Majesty, John Henry Mandeville, Esquire, Her Minister Plenipotentiary to the United Provinces of the Rio de la Plata;

And his Excellency the President of the Republic, Don José Ellauri, Doctor of Law, Minister of the Government, and for Foreign Affairs;

Who, having duly communicated to each other their respective full powers, and found them to be in proper form, have agreed upon and concluded the following Articles:—

ARTICLE I.

The slave trade of the Oriental Republic of the Uruguay is hereby formally declared to be henceforward totally and finally abolished in all parts of the world.

ARTICLE II.

The President of the Oriental Republic of the Uruguay hereby engages, that immediately after the

* Confirmed by Act of Parliament, 6 Vict., c. 16.

exchange of the ratifications of the present Treaty, and from time to time afterwards, as it may become needful, he will take the most effectual measures for preventing the citizens of the Oriental Republic of the Uruguay from being concerned, and the flag of that Republic from being used, in carrying on, in any way, the trade in slaves; and especially, that within two months after the said exchange, he will promulgate throughout the territories of the Oriental Republic of the Uruguay a penal law inflicting a punishment the most severe on all those citizens of that Republic who shall, under whatsoever pretext, take any part whatever in the traffic in slaves.

ARTICLE III.

His Excellency the President of the Oriental Republic of the Uruguay also engages that, in further pursuance of the stipulation contained in the first article of this Treaty, he will take the necessary means for assimilating, as soon as possible, the laws of the Oriental Republic of the Uruguay to those of Great Britain, in as far as regards the crime of slave trading; and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Excellency the President of the Oriental Republic of the Uruguay, hereby mutually engage, that, by an additional Convention hereafter to be concluded between the two High Contracting Parties to the present Treaty, they will concert and settle the details of the measures by which the law of piracy, which will then become applicable to that traffic by the legislation of each of the two countries, shall be immediately and reciprocally carried into execution with respect to the vessels and subjects or citizens of each.

ARTICLE IV.

In order more completely to prevent all infringement of the spirit of the present Treaty, the two High Contracting Parties mutually consent that those ships of their navies respectively which shall be provided with special instructions for that purpose, as herein-after mentioned, may visit such merchant vessels of the two nations as may be suspected, upon reasonable grounds,

of being engaged in the traffic in slaves, or of having been fitted out for the purposes thereof, or of having, during the voyage on which they are met with by the said cruisers, been engaged in the traffic in slaves, contrary to the provisions of this Treaty; and that such cruisers may detain and send or carry away such vessels, in order that they may be brought to trial in the manner herein-after agreed upon.

ARTICLE V.

In order to regulate the mode of carrying the provisions of the preceding article into execution, it is agreed,—

1st. That all ships of the navies of the two nations which shall be hereafter employed to prevent the traffic in slaves shall be furnished by their respective Governments with a copy, in the English and Spanish languages, of the present Treaty; of the instructions for cruisers annexed thereto (sub *littéra* A); and of the Regulations for the Mixed Courts of Justice annexed thereto (sub *littéra* B); which annexes respectively shall be considered as an integral part of the Treaty.

2d. That each of the High Contracting Parties shall from time to time communicate to the other the names of the several ships furnished with such instructions, the force of each, and the names of their several commanders.

3d. That if at any time there shall be just cause to suspect that any merchant vessel, under the flag and proceeding under convoy of any ship or ships of war of either of the Contracting Parties, is engaged, or intended to be engaged, in the traffic in slaves, or is fitted out for the purposes thereof, or has, during the voyage on which she may be met with, been engaged in the traffic in slaves, it shall be lawful for the commander of any ship of the navy of either of the two High Contracting Parties, furnished with such instructions as aforesaid, to visit such merchant vessel; and such commander shall proceed to effect the same, in communication with the commanding officer of the convoy, who, it is hereby agreed, shall give every facility to such visit, and to the eventual detention of such merchant vessel; and in all things shall assist, to the utmost of his power, in the due execution of the present Treaty, according to the true intent and meaning thereof.

4th. It is further mutually agreed, that the commanders of the ships of the two navies respectively, who shall be employed on this service, shall adhere strictly to the exact tenour of the aforesaid instructions.

ARTICLE VI.

As the two preceding articles are entirely reciprocal, the two High Contracting Parties engage mutually to make good any losses which their respective subjects or citizens may incur by the arbitrary and illegal detention of their vessels ; it being understood that this indemnity shall invariably be borne by the Government whose cruiser shall have been guilty of such arbitrary and illegal detention ; and that the visit and detention of vessels, specified in the fourth article of this Treaty, shall only be effected by those British or Montevidean ships which may form part of the navies, royal and national, respectively, of the two High Contracting Parties to the Treaty ; and by those only of such ships which are provided with the special instructions annexed to the present Treaty, in pursuance of the provisions thereof.

ARTICLE VII.

In order to bring to adjudication, with as little delay and inconvenience as possible, the vessels which may be detained according to the tenor of the fourth article of this Treaty, there shall be established, within the space of a year at furthest from the exchange of the ratifications of the present Treaty, two Mixed Courts of Justice, formed of an equal number of individuals of the two nations, named for this purpose by the two High Contracting Parties respectively.

These courts shall reside, one in a possession belonging to Her Britannic Majesty, the other within the territories of the Oriental Republic of the Uruguay ; and the two Governments, at the period of the exchange of the ratifications of the present Treaty, shall declare, each for its own territories, in what places the courts shall respectively reside, each of the two High Contracting Parties reserving to itself the right of changing at its pleasure the place of residence of the court held within its own territories ; provided, however, that one of the two courts shall

always be held upon the coast of Africa, and the other in one of the possessions of the Oriental Republic of the Uruguay.

These courts shall judge the causes submitted to them according to the provisions of the present Treaty, without appeal; and according to the regulations and instructions which are annexed to the present Treaty, and which are considered as forming an integral part thereof.

ARTICLE VIII.

In case the commanding officer of any of the ships of the navies of Great Britain and Monte Video, respectively, duly commissioned according to the provisions of the fourth article of this Treaty, shall deviate in any respect from the stipulations of the said Treaty, or from the instructions annexed to it, the Government which shall conceive itself to be wronged thereby, shall be entitled to demand reparation; and in such case, the Government to which such commanding officer may belong, binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon the said officer a punishment proportioned to any wilful transgression which may have been committed.

ARTICLE IX.

It is hereby further mutually agreed, that every merchant vessel, British or Montevidean, which shall be visited by virtue of the present Treaty, may lawfully be detained, and sent or brought before the Mixed Courts of Justice established in pursuance of the provisions thereof, if in her equipment there shall be found any of the things herein-after mentioned, namely:—

1st. Hatches with open gratings, instead of the close hatches which are usual in merchant vessels.

2nd. Divisions or bulkheads in the hold or on deck, in a greater number than are necessary for vessels engaged in lawful trade.

3rd. Spare plank, fitted for laying down as a second, or slave deck.

4th. Shackles, bolts, or handcuffs.

5th. A larger quantity of water, in casks, or in tanks, than is requisite for the consumption of the crew of the vessel as a merchant vessel.

6th. An extraordinary number of water casks, or of other vessels for holding liquid, unless the master shall produce a certificate from the custom-house at the place from which he cleared outwards, stating that a sufficient security had been given by the owners of such vessel that such extra quantity of casks or other vessels should only be used for the reception of palm oil, or for other purposes of lawful commerce.

7th. A greater quantity of mess tubs or kids than are requisite for the use of the crew of the vessel as a merchant vessel.

8th. A boiler of an unusual size, and larger than requisite for the use of the crew of the vessel as a merchant vessel ; or more than one boiler of the ordinary size.

9th. An extraordinary quantity either of rice, of the flour of Brazil, manioc, or cassada, commonly called farinha, of maize, or of Indian corn, beyond what might probably be requisite for the use of the crew ; such rice, flour, maize, Indian corn not being entered on the manifest as part of the cargo of trade.

Any one or more of these several circumstances, if proved, shall be considered as *prima facie* evidence of the actual employment of the vessel in the slave trade : and unless it be established by satisfactory evidence upon the part of the master or owners, that such vessel was, at the time of her detention or capture, employed in some legal pursuit, the vessel shall thereupon be condemned, and declared lawful prize.

ARTICLE X.

If any of the things specified in the preceding article shall be found in any merchant vessel, no compensation for losses, damages, or expenses consequent upon the detention of such vessel shall, in any case, be granted either to her master, or to her owner, or to any other person interested in her equipment or lading, even though the Mixed Court of Justice should not pronounce any sentence or condemnation in consequence of her detention.

ARTICLE XI.

It is hereby agreed between the two High Contracting Parties, that in all cases in which a vessel shall be detained under this Treaty, by their respective cruisers, as having been engaged in the slave trade, or as having been fitted out for the purpose thereof, and shall, consequently, be adjudged and condemned by the Mixed Courts of Justice to be established as aforesaid, the said vessel shall, immediately after its condemnation, be broken up entirely, and shall be sold in separate parts, after having been so broken up.

ARTICLE XII.

Each of the two High Contracting Parties most solemnly binds itself to guarantee the liberty of the negroes who may be emancipated under the present Treaty by the Mixed Courts of Justice sitting within the colonies or possessions of such Government; and to afford, from time to time, and whenever demanded by the other party, or by the members of the Mixed Court of Justice by whose sentence the slaves shall have been liberated, the fullest information as to the state and condition of such negroes, with a view of ensuring the due execution of the Treaty in this respect.

For this purpose the regulations annexed to this Treaty, sub *litrâ* C, as to the treatment of negroes liberated by sentence of the Mixed Court of Justice, have been drawn up, and are declared to form an integral part of this Treaty; the two High Contracting Parties reserving to themselves the right to alter by common consent and mutual agreement, but not otherwise, the terms and tenor of such regulations.

ARTICLE XIII.

The Acts or Instruments annexed to this Treaty, and which it is mutually agreed shall form an integral part thereof, are as follows :—

A. Instructions for the ships of the navies of both nations destined to prevent the traffic in slaves.

B. Regulations for the Mixed Courts of Justice, which are to hold their sittings on the coast of Africa, and in one of the possessions of the Oriental Republic of the Uruguay.

C. Regulations as to the treatment of liberated negroes.

ARTICLE XIV.

The present Treaty, consisting of fourteen articles, shall be ratified, and the ratifications thereof exchanged within the space of eight months from this date, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed in duplicate originals, English and Spanish, the present Treaty, and have thereunto affixed the seal of their arms.

Done at Monte Video, this thirteenth day of July, in the year of our Lord one thousand eight hundred and thirty-nine.

(L.S.)	J. H. MANDEVILLE.
(L.S.)	JOSE ELLAURI.

ANNEX A. to the TREATY between GREAT BRITAIN and the ORIENTAL REPUBLIC of the URUGUAY, for the Abolition of the Slave Trade of the ORIENTAL REPUBLIC of the URUGUAY, of the 13th July, 1839.

Instructions for the Ships of the British and Monte Videan Navies employed to prevent the Traffic in Slaves.

ARTICLE I.

The commander of any ship belonging to the navy of Her Britannic Majesty, or of the Oriental Republic of the Uruguay, which shall be furnished with these instructions, shall have a right to visit, search, and detain any British or Monte Videan merchant vessel which shall be actually engaged, or suspected to be engaged, in the slave trade, or to be fitted out for the purposes thereof, or to have been engaged in the traffic in slaves during the voyage on which she may be met with by such ship of the British or Monte Videan navy; and such commander shall thereupon bring or send such merchant vessel, as soon as possible, for judgment before that one of the two Mixed Courts of Justice, established in virtue of the VIIth Article of the said Treaty, which shall be nearest to the place of detention, or which such com-

mander shall, upon his own responsibility, think can be soonest reached from such place.

All and every vessel under the Oriental flag, which shall be actually engaged, or suspected to be or to have been engaged, in the slave trade, is to be considered an Oriental vessel ; it being mutually understood and agreed that this is not to serve as a precedent as to what shall constitute an Oriental vessel in the discussions which may hereafter be resumed for the negotiations of a treaty of commerce.

ARTICLE II.

Whenever a ship of either of the said navies, duly authorised as aforesaid, shall meet a merchantman liable to be visited under the provisions of the said Treaty, the search shall be conducted in the mildest manner, and with every attention which ought to be observed between allied and friendly nations ; and the search shall, in all cases, be made by an officer holding a rank not lower than that of lieutenant in the navies of Great Britain and of the Oriental Republic of the Uruguay, respectively, or by the officer who at the time shall be second in command of the ship by which such search is made.

ARTICLE III.

The commander of any ship of the two navies, duly authorised as aforesaid, who may detain any merchant vessel in pursuance of the tenour of the present instructions, shall leave on board the vessel so detained the master, the mate, or boatswain, and two or three, at least, of the crew thereof ; the whole of the slaves, if any, and all the cargo.

The captor shall, at the time of detention, draw up in writing an authentic declaration, which shall exhibit the state in which he found the detained vessel ; such declaration to be signed by himself, and to be given in or sent, together with the captured vessel, to the Mixed Court of Justice before which such vessel shall be carried for adjudication. He shall deliver to the master of the detained vessel a signed certificate of the papers seized on board the same, as well as of the number of slaves found on board at the moment of detention.

In the authenticated declaration which the captor is hereby required to make, as well as in the certificate of the papers seized, he shall insert his own name, the name of the capturing ship, the latitude and longitude of the place where the detention shall have taken place, and the number of slaves found on board of the vessel at the time of the detention.

The officer in charge of the vessel detained shall, at the time of bringing the vessel's papers into the Mixed Court of Justice, deliver in to the court a paper, signed by himself and verified on oath, stating the changes which have taken place in respect to the vessel, her crew, the slaves, if any, and her cargo, between the period of her detention and the time of delivering in such paper.

ARTICLE IV.

The slaves shall not be disembarked till after the vessel which contains them shall have arrived at the place of adjudication, in order that, in the event of her not being adjudged legal prize, the loss of the proprietors may be more easily repaired; and even after the arrival of the slaves at such place they are not to be landed without the permission of the Mixed Court of Justice.

But if urgent motives, deduced from the length of the voyage, the state of health of the slaves, or from other causes, should require that either the whole or a portion of the negroes should be disembarked before the vessel can arrive at the place at which one of the said courts is established, the commander of the capturing ship may take upon himself the responsibility of so disembarking the negroes, provided that such necessity, and the causes thereof, be stated in a certificate in proper form, and that this certificate shall be drawn up and entered at the time on the log book of the detained vessel.

The undersigned Plenipotentiaries have agreed, in conformity with the XIIIth Article of the Treaty signed by them on this day, the thirteenth of July one thousand eight hundred and thirty-nine, that the preceding instructions, consisting of four articles, shall be annexed to the said Treaty and be considered an integral part thereof.

Done at Monte Video, the thirteenth day of July, one thousand eight hundred and thirty-nine.

(L.S.)	J. H. MANDEVILLE.
(L.S.)	JOSE ELLAURI.

ANNEX B. to the TREATY between GREAT BRITAIN and the ORIENTAL REPUBLIC of the URUGUAY, for the Abolition of the Slave Trade of the ORIENTAL REPUBLIC of the URUGUAY, of the 13th July, 1839.

Regulations for the Mixed Courts of Justice which are to reside on the Coast of Africa and in the Possessions of the Oriental Republic of the Uruguay.

ARTICLE I.

The Mixed Courts of Justice to be established under the provisions of the Treaty of which these regulations are declared to be an integral part shall be composed in the following manner:—

The two High Contracting Parties shall each of them name a judge and an arbitrator, who shall be authorised to hear, and to decide without appeal, all cases of the capture or detention of vessels which, in pursuance of the stipulations of the aforesaid Treaty, shall be brought before them. The judges and the arbitrators shall, before entering upon the duties of their office, respectively make oath before the principal magistrate of the places in which such courts respectively shall reside, that they will judge fairly and faithfully; that they will have no preference either for the claimants or the captors; and that they will act in all their decisions in pursuance of the stipulations of the aforesaid Treaty.

There shall be attached to each of such courts a secretary or registrar, who shall be appointed by the Government of the country within the territories of which such court shall reside. Such secretary or registrar shall register all the acts of such court; and shall, previous to entering upon his office, make oath, before the court to which he is appointed, that he will conduct himself with due respect for its authority, and will act with fidelity and impartiality in all matters relating to his said office.

The salary of the secretary or registrar of the court to be established on the coast of Africa shall be paid by Her Britannic Majesty, and that of the secretary or registrar of the court to be established in the possessions of the Oriental Republic of the Uruguay by the Government of that Republic.

Each of the Governments shall defray half of the aggregate amount of the incidental expenses of such courts.

ARTICLE II.

The expenses incurred by the officer charged with the reception, maintenance, and care of the detained vessel, slaves, and cargo, and with the execution of the sentence, and all disbursements occasioned by bringing a vessel to adjudication, shall, in case of condemnation, be defrayed from the funds arising from the sale of the materials of the vessel, after the vessel shall have been broken up, of the ship's stores, and of such parts of the cargo as shall consist of merchandise; and in case the proceeds arising from this sale shall not prove sufficient to defray such expenses, the deficiency shall be made good by the Government of the country within whose territories the adjudication shall have taken place.

If the detained vessel shall be released, the expenses occasioned by bringing her to adjudication shall be defrayed by the captor, excepting in the cases specified and otherwise provided for under Article X. of the Treaty to which these regulations form an annex, and under Article VII. of these regulations.

ARTICLE III.

The Mixed Courts of Justice are to decide upon the legality of the detention of such vessels as the cruisers of either nation shall, in pursuance of the said Treaty, detain. These courts shall adjudge definitively and without appeal all questions which shall arise out of the capture and detention of such vessels.

The proceedings of these courts shall take place summarily as possible; and for this purpose the courts are required to decide each case, as far as may be practicable, within the space of twenty days, to be dated from the day on which the detained vessel shall have

been brought into the port where the deciding court shall reside.

The final sentence shall not in any case be delayed beyond the period of two months, whether on account of the absence of witnesses or for any other cause, except upon the application of any of the parties interested; in which case, upon such party or parties giving satisfactory security that they will take upon themselves the expense and risks of the delay, the courts may, at their discretion, grant an additional delay, not exceeding four months.

Either party shall be allowed to employ such counsel as he may think fit to assist him in the conduct of his cause.

All the essential parts of the proceedings of the said courts shall be written down in the language of the country in which they shall respectively reside.

ARTICLE IV.

The form of the process shall be as follows :—

The judges appointed by the two nations, respectively, shall, in the first place, proceed to examine the papers of the detained vessel, and to take the depositions of the master and commander, and two or three, at least, of the principal individuals on board of such vessel, as well as the declaration, on oath, of the captor, should it appear necessary in order to enable them to judge and to pronounce whether the said vessel has been justly detained or not, according to the stipulations of the aforesaid Treaty, and in order that, according to this judgment, the vessel may be condemned or released.

In the event of the two judges not agreeing as to the sentence which they ought to pronounce in any case brought before them, whether with respect to the legality of the detention, the liability of the vessel to condemnation, or the indemnification to be allowed, or as to any other question which may arise out of the said capture; or in case any difference of opinion should arise between them as to the mode of proceeding in the said court, they shall draw by lot the name of one of the two arbitrators appointed as aforesaid, which arbitrator, after having considered the proceedings which have taken place, shall consult with the two above-mentioned judges on the case; and the final

sentence or decision shall be pronounced conformably to the opinion of the majority of the three.

ARTICLE V.

If the detained vessel shall be restored by the sentence of the court, the vessel and the cargo, in the state in which they shall then be found, shall forthwith be given up to the master, or to the person who represents him ; and such master or other person may, before the same court, claim a valuation of the damages which he may have a right to demand. The captor himself, and in his default his Government, shall remain responsible for the damages to which the master of such vessel, or the owners of the vessel or of her cargo, may be pronounced to be entitled.

The two High Contracting Parties bind themselves to pay, within the term of a year from the date of the sentence, the costs and damages which may be awarded by the above-named court ; it being mutually understood and agreed that such costs and damages shall be made good by the Government of the country of which the captor shall be a subject.

ARTICLE VI.

If the detained vessel shall be condemned, she shall be declared lawful prize, together with her cargo, of whatever description it may be, with the exception of the slaves who shall have been brought on board for the purposes of commerce ; and the said vessel, subject to the regulations in article XI. of the Treaty of this date, shall, as well as her cargo, be sold by public sale for the profit of the two Governments, subject to the payment of the expenses herein-before mentioned.

The slaves shall receive from the court a certificate of emancipation, and shall be delivered over to the Government in whose territory the court which shall have judged them shall be established, to be dealt with according to the regulations and conditions contained in the Annex to this Treaty, sub literâ C.

The charges incurred for the support and for the return voyage of the commanders and crews of condemned vessels shall be defrayed by the Government of which such commanders and crews are the subjects.

ARTICLE VII.

The Mixed Courts of Justice shall also take cognizance of, and shall decide definitively and without appeal, all claims for compensation on account of losses occasioned to vessels and cargoes which shall have been detained under the provisions of this Treaty, but which shall not have been condemned as legal prize by the said courts ; and in all cases (save as mentioned in Article X. of the Treaty to which these regulations form an Annex, and in a subsequent part of these regulations), wherein restitution of such vessels and cargoes shall be decreed, the court shall award to the claimant or claimants, or to his or their lawful attorney or attornies, for his or their use, a just and complete indemnification for all costs of suit, and for all losses and damages which the owner or owners may have actually sustained by such capture and detention, that is to say :—

1. In case of total loss, the claimant or claimants shall be indemnified,—

A. For the ship, her tackle, equipment, and stores.

B. For all freights due and payable.

C. For the value of the cargo or merchandize, if any, deducting all charges and expenses payable upon the sale of such cargo, including commission of sale.

D. For all other regular charges in such case of total loss.

2. In all other cases save as herein-after mentioned, not of total loss, the claimant or claimants shall be indemnified,—

A. For all special damages and expenses occasioned to the ship by the detention, and for loss of freight, when due or payable.

B. For demurrage when due, according to the schedule annexed to the present article.

C. For any deterioration of the cargo.

D. For all premium of insurance on additional risks.

The claimant or claimants shall be entitled to interest at the rate of five per cent. per annum on the sum awarded, until such sum is paid by the Government to which the capturing ship belongs ; the whole amount of such indemnifications shall be calculated in the money of the country to which the detained vessel belongs, and shall be liquidated at the exchange current at the time of the award.

The two High Contracting Parties, however, have agreed, that if it shall be proved to the satisfaction of the judges of the two nations, and without having recourse to the decision of an arbitrator, that the captor has been led into error by the fault of the master or commander of the detained vessel, the detained vessel in that case shall not have the right of receiving, for the time of her detention, the demurrage stipulated by the present article, nor any other compensation for losses, damages, or expenses consequent upon such detention.

SCHEDULE of demurrage or daily allowance for a vessel of—

100 to 120 tons inclusive	- £5 per diem.
121 „ 150 „	- 6 „
151 „ 170 „	- 8 „
171 „ 200 „	- 10 „
201 „ 220 „	- 11 „
221 „ 250 „	- 12 „
251 „ 270 „	- 14 „
271 „ 300 „	- 15 „

and so on in proportion.

ARTICLE VIII.

Neither the judges nor the arbitrators, nor the secretaries of the Mixed Courts of Justice shall demand or receive from any of the parties concerned in the cases which shall be brought before such courts, any emolument or gift, under any pretext whatsoever, for the performance of the duties which such judges, arbitrators, and secretaries have to perform.

ARTICLE IX.

The two High Contracting Parties have agreed that, in the event of the death, sickness, absence on leave, or any other legal impediment, of one or more of the judges or arbitrators composing the above-mentioned courts respectively, the posts of such judge and of such arbitrator shall be supplied, *ad interim*, in the following manner :—

1. On the part of Her Britannic Majesty, and in that court which shall sit within the possessions of Her said Majesty,—if the vacancy be that of the British judge, his place shall be filled by the British arbitrator; and

either in that case, or in the case where the vacancy be originally that of the British arbitrator, the place of such arbitrator shall be filled successively by the governor or lieutenant-governor resident in such possession, by the principal magistrate of the same, and by the secretary of the Government; and the said court, so constituted as above, shall sit, and, in all cases brought before them for adjudication, shall proceed to adjudge the same, and to pass sentence accordingly.

2. On the part of Great Britain, and in that court which shall sit within the possessions of the Oriental Republic of the Uruguay,—if the vacancy be that of the British judge, his place shall be filled by the British arbitrator; and either in that case or in the case where the vacancy be originally that of the British arbitrator, his place shall be filled successively by the British Consul and British Vice-Consul, if there be a British Consul or British Vice-Consul appointed to and resident in such possession: and in the case where the vacancy be both of the British judge and of the British arbitrator, then the vacancy of the British judge shall be filled by the British Consul, and that of the British arbitrator by the British Vice-Consul, if there be a British Consul and British Vice-Consul appointed to and resident in such possession; and if there shall be no British Consul or British Vice-Consul to fill the place of British arbitrator, then the Monte Videan arbitrator shall be called in, in those cases in which a British arbitrator, were there any, would be called in; and in case the vacancy be both of the British judge and British arbitrator, and there be neither British Consul nor British Vice-Consul to fill, ad interim, the vacancies, then the Monte Videan judge and Monte Videan arbitrator shall sit, and, in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

3. On the part of the Oriental Republic of the Uruguay, and in that court which shall sit within the territories of the said Republic,—if the vacancy be that of the Monte Videan judge, his place shall be filled by the Monte Videan arbitrator, and either in that case or in the case where the vacancy be originally that of the Monte Videan arbitrator, the place of such arbitrator shall be filled successively by the governor or lieutenant-governor resident in such possession, by the principal magistrate of the same: and by the secretary of the

Government ; and the said court, so constituted as above, shall sit, and, in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

4. On the part of the Oriental Republic of the Uruguay, and in that court which shall sit within the possessions of Her Britannic Majesty,—if the vacancy be that of the Monte Videan judge, his place shall be filled by the Monte Videan arbitrator ; and either in that case, or in the case where the vacancy be originally that of the Monte Videan arbitrator, his place shall be filled successively by the Monte Videan Consul and Monte Videan Vice-Consul, if there be a Monte Videan Consul or Monte Videan Vice-Consul appointed to and resident in such possession ; and in the case where the vacancy be both of the Monte Videan judge and of the Monte Videan arbitrator, then the vacancy of the judge shall be filled by the Monte Videan Consul, and that of the Monte Videan arbitrator by the Monte Videan Vice-Consul, if there be a Monte Videan Consul and a Monte Videan Vice-Consul appointed to and resident in such possession ; and in the case in which there be no Monte Videan Consul or Monte Videan Vice-Consul to fill the place of Monte Videan arbitrator, then the British arbitrator shall be called in, in those cases in which a Monte Videan arbitrator, were there any, would be called in ; and in case the vacancy be both of the Monte Videan judge and Monte Videan arbitrator, and there be neither Monte Videan Consul or Monte Videan Vice-Consul to fill, ad interim, the vacancies, then the British judge and the British arbitrator shall sit, and, in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

The governor or lieutenant-governor of the settlements wherein either of the Mixed Courts of Justice shall sit, in the event of a vacancy arising, either of the judge or the arbitrator of the other High Contracting Party, shall forthwith give notice of the same to the governor or lieutenant-governor of the nearest settlement of such other High Contracting Party, in order that such vacancy may be supplied at the earliest possible period ; and each of the High Contracting Parties agrees to supply definitively, as soon as possible, the vacancies which may arise in the above-mentioned courts, from death, or from any other cause whatever.

The undersigned Plenipotentiaries have agreed, in conformity with the XIIIth Article of the Treaty signed by them on this day, the thirteenth of July one thousand eight hundred and thirty-nine, that the preceding Regulations, consisting of nine articles, shall be annexed to the said Treaty, and considered as an integral part thereof.

Done at Monte Video, the thirteenth day of July one thousand eight hundred and thirty-nine.

(L.S.)	J. H. MANDEVILLE.
(L.S.)	JOSE ELLAURI.

ANNEX C.

Regulations in respect to Treatment of liberated Negroes.

ARTICLE I.

The object and purpose of these regulations is to secure to negroes liberated under the stipulations of the Treaty to which these regulations form an annex (sub literâ C) permanent good treatment, and a full and complete emancipation, according to the humane intentions of the parties to the Treaty.

ARTICLE II.

Immediately after sentence of condemnation upon a vessel charged with being concerned in illegal slave trade shall have been passed by the Mixed Court of Justice established under the Treaty to which these regulations form an annex, all negroes who were on board of such vessel, and who were brought on board for the purpose of traffic, shall be delivered over to the Government of the place where such court resides.

ARTICLE III.

The negroes so liberated and delivered over to the Government shall be placed under the care and superintendence of a board consisting of two members or com-

missioners, with a power to call in a third member, under the circumstances herein-after stated.

In that colony or possession of Her Britannic Majesty in which, under the treaty to which these regulations form an annex, a Mixed Court of Justice is to sit, the Board of Superintendence of the liberated negroes shall consist of the governor of the said colony or possession, and of the Monte Videan judge in the said Mixed Court of Justice; and when the Monte Videan judge is absent, then the Monte Videan arbitrator of the said Mixed Court of Justice shall sit in the place of the judge in the Board of Superintendence of liberated negroes.

In that colony or possession of the Oriental Republic of the Uruguay in which, under the present Treaty, a Mixed Court of Justice is to sit, the Board of Superintendence of the liberated negroes shall consist of the governor of that colony or possession, and of the British judge in the said Mixed Court of Justice; and when the British judge is absent, then the British arbitrator of the said Mixed Court of Justice shall sit in the place of the judge in the Board of Superintendence of liberated negroes.

The several members of the Board of Superintendence shall, before entering upon their offices, respectively take an oath, in the presence of the principal magistrate of the place, that they will faithfully execute their office, without favour or partiality, according to the true intent and meaning of these regulations.

ARTICLE IV.

In order the better to carry into effect the purposes intended by the present regulations, a person of known probity and humanity shall be selected and appointed by the Board of Superintendence, to act under its directions, with the title of curator of liberated negroes; and such curator may, under the sanction of the board, employ such persons as may be necessary to assist him in the execution of his duties.

The curator so appointed shall, previously to his entering on the duties of his office, take before the Board of Superintendence an oath in the following words:—

I, A.B., do solemnly swear, that I will act to the best of my skill and knowledge, faithfully and impartially in

the execution of my office, and that I will conduct myself with due respect to the authority of the Board of Superintendence of liberated negroes to which I am attached.

So help me God.

ARTICLE V.

The curator of the liberated negroes shall be personally present at the delivery of the negroes to the person charged by the Government to receive them after the sentence of emancipation is passed, as specified in Article II. of these regulations.

Duplicate original receipts for the negroes delivered over to the Government, specifying the number of each sex, shall, at the time when they are delivered as aforesaid, be made out and signed by the officer receiving them.

One original of such receipts shall be given to the person previously in charge of the negroes, the other to the curator, who shall deposit the same in the registry of the Mixed Court of Justice which adjudicated the case of the vessel in which the negroes were captured.

At the time of delivery of such negroes to the Government in the manner herein-before mentioned, they shall be minutely inspected by the curator, who shall give to each negro a name, which name shall then be entered by the curator, in a book to be called "Register of Emancipated Negroes," and to be kept for that purpose in the office of the Board of Superintendence; and opposite to the name shall be entered a description of the person, with the probable age, and bodily marks, and any particulars which can be ascertained regarding the nation and family of such negro.

Each negro shall then be marked on the upper part of the right arm, with a small silver instrument, bearing for its device a symbol of freedom.

ARTICLE VI.

The Board of Superintendence shall then make known, by public advertisement, its intention to apprentice out the liberated negroes; and after seven days have elapsed from the announcement of such intention, the

hiring or apprenticing of the negroes shall then take place, either by public auction or by tender, as may be thought best; and the negroes shall then be distributed to their hirers, upon the conditions and stipulations herein-after mentioned; which conditions and stipulations shall be published at the time of auction or tender, and shall also be embodied in a contract or indenture, to be entered into formally between the hirer and the aforesaid board. The contract or indenture shall be made out in duplicate; it shall be in print and not in writing; one copy of it shall remain with the hirer, and the other with the board, under the care of the curator.

When the sums offered by two or more different persons for the hiring of a negro are equal, preference shall be given to the person who will undertake to employ such negro as a mechanic or domestic servant.

ARTICLE VII.

The period of service for which apprentices shall be bound shall be seven years for all negroes who, at the time of hiring, are above thirteen years of age; but three of the seven years may be afterwards remitted, at the discretion of the board, upon the recommendation of the master, and upon proof that the apprentice is capable of earning an honest livelihood, and is worthy of such indulgence.

The apprenticeship of negroes who, at the time of hiring, are under thirteen years of age, shall continue until the age of twenty, subject to a diminution of that term, at the discretion of the board, upon due proof being given that the apprentice is worthy of such indulgence, and is capable of maintaining himself.

If, after the expiration of any apprenticeship, it shall appear to the said board, upon their personal inspection and examination of the apprentice, that he is not yet in a state to earn his livelihood, or to make a proper use of complete freedom, with regard to himself and to the community, the board may extend the period of apprenticeship for the further term of three years. In such case a new master shall be selected, unless it shall appear to the satisfaction of the board, that the backward state of the apprentice is not attributable to the neglect of the original master.

ARTICLE VIII.

When more apprentices than one are confided to the same master, care shall be taken to select for that purpose such as are of the same African nation, and, if possible, of the same family; and in no case shall a child under 14 years of age be separated from its mother, but such child shall always be apprenticed to the same master with its mother.

ARTICLE IX.

The name and address of the master, together with the name and position of the estate or house where the liberated negro is to be resident, shall be inserted opposite to the name of the negro in his contract or indenture.

ARTICLE X.

No negro shall be apprenticed to any master who resides more than twenty English miles from the town where such Mixed Court of Justice is established; and if any master to whom such negro shall have been so apprenticed shall afterwards change his residence, he shall be required to give immediate notice thereof to the curator.

The apprentices must always reside at that particular estate or house of the master which is registered as being within the above-mentioned distance from the place of sitting of the Mixed Court of Justice.

ARTICLE XI.

No person shall be entrusted with one or more liberated negroes unless he shall prove to the board that he possesses ample means for the employment, maintenance, and support of such negro or negroes, and shall make himself answerable, under the penalty of eighty dollars for each negro, that the conditions under which such negro is received shall be duly observed.

ARTICLE XII.

The master shall engage to pay a stipulated sum for the hire of each apprentice.

The curator may, if the amount is to be paid down in one sum, demand it previously to the hire; if the sum is to be periodically paid, the curator may demand the same quarterly in advance.

ARTICLE XIII.

The master shall undertake :—

1. That the apprentice shall be maintained with wholesome and abundant food, and shall be provided with such clothes as are usual, according to the custom of the country.

2. That he shall be instructed in the truths of the Christian religion, in order that he may be baptised before the expiration of the second year of his apprenticeship.

3. That he shall be vaccinated as soon as possible after being delivered into the charge of his master; that in sickness he shall have proper medical advice, and shall be treated with due care and attention; and that in case of death he shall be decently buried at the master's expense.

4. That the apprentice shall be taught some useful business, or be instructed in some trade or mechanical art, whereby he may be enabled to maintain himself when the period of his service shall have expired.

5. That whenever an infant is born of any female apprentice, immediate information thereof shall be given by the master to the Board of Superintendence, in order that the fact may be duly registered.

6. That baptism of the infant so born shall take place within three months after its birth, and that the freedom of the child shall be recorded in the register of baptism; but that such child shall remain with its mother, and shall be treated by the master of the mother in the same manner as an apprentice, until the apprenticeship of the mother ceases.

ARTICLE XIV.

No master shall in any case be authorised to transfer to another master his apprenticed negro, without the especial and written sanction of the board; and if the master shall leave the country, or shall change his residence to a part of the country beyond the limits

herein-before fixed for persons having apprentices, or if he shall become so reduced in his circumstances as to be obliged to give up his establishment, then, and in any of these cases, he shall report the same to the board, and shall bring his apprentices, and deliver them up to the said board, by whom they shall be received, and afterwards apprenticed to another master for the remainder of the period which such apprentices may have to serve, and under the same conditions as those imposed upon the first master. But in no case shall the master be allowed to deliver up his apprentice to any other authority than to the said board, or to the curator under the orders of the board.

If any apprentice shall be guilty of crimes which render him obnoxious to the laws of the country, or shall be guilty of habitual drunkenness, insubordination, wilful carelessness, or destruction of his master's property, the master may in such case bring him before the Board of Superintendence, and upon proof of the facts the said board shall have power to cancel the indentures.

ARTICLE XV.

If an apprentice should run away, his master shall give immediate information thereof to the curator, who shall instantly proceed to a summary investigation of the fact, for the information of the Board of Superintendence.

Any master who shall be proved to have improperly disposed of an apprentice, whom he has reported as dead or absconded, shall pay, as a fine, the sum of three hundred dollars.

The half of this fine shall be paid to the informer, and the remainder to the curator, to be placed at the disposal of the board, for the purposes herein-after mentioned.

ARTICLE XVI.

If an apprentice shall fall sick, the master shall give immediate notice thereof to the curator, in order that he, or one of his assistants, may visit such apprentice, and report to the board the nature of his disorder, and the manner in which such sick negro is taken care of.

If an apprentice should die, notice thereof shall immediately be given to the curator, in order that he, or one of his assistants, may attend for the purpose of ascertaining that the deceased negro was really and truly the apprentice described as such in the register.

For this purpose the curator or his assistant shall make such inquiries as he may judge necessary, interrogating the inhabitants of the house in which the negro has died, the neighbours, or any other persons; and shall take such other means as he may judge necessary to enable him to ascertain the truth, in order that the burial of the negro, which is to be at the expense of the master, may take place without further delay.

A summary report of the result of this inquiry shall then be drawn up officially by the curator, and be delivered without delay to the board.

The curator, after having identified the body of any apprentice who may have died, shall investigate the cause of the death, and if the death shall appear to have been natural, he shall note that fact in the register.

If the cause of death be doubtful, or shall appear to be otherwise than natural, he shall interrogate the other negroes and other inhabitants of the house, and take such other means as may appear necessary to ascertain the facts of the case; and if there shall appear reason to suspect that the death of such negro has been occasioned by violence, improper usage, or culpable neglect, he shall take the proper course for bringing the offender to trial before the courts of the country.

ARTICLE XVII.

If the master of any apprentice shall commit any breach of these conditions, a fine shall be imposed upon him of not less than fifty, and not exceeding one hundred dollars, one half of which shall go to the informer, and the other half shall be placed at the disposal of the Board of Superintendence, for the purpose herein-after mentioned; and in case of any gross misconduct of the said master towards his apprentice, such master shall, if the Board of Superintendence shall think fit, besides paying the above-mentioned fine, forfeit all further right to the services of the apprentice, and the said apprentice shall be taken from such master, and shall be apprenticed to another master for the remainder of his term of apprenticeship.

ARTICLE XVIII.

If the master of an apprentice shall die, his heir, or the person to whom the possession of such apprentice shall devolve, shall, within four days after the death of such master, report the same to the Board of Superintendence.

The board shall thereupon issue its order to the curator, to bring the apprentice before them; and when the apprentice is so brought, the board shall apprentice him to another master under the established conditions.

If the heir, or the person in possession of such apprentice, shall neglect to report the death of the master within four days, he shall pay one dollar a day for each apprenticed negro belonging to such deceased master, until he shall have delivered them all up to the said board; and he shall moreover, be subject to the other penalties which attach to the non-performance of the conditions established by these Regulations.

ARTICLE XIX.

If any liberated negro be apprenticed to or hired by the Government, the contract shall contain the same conditions and stipulations in regard to the negro as are herein-before prescribed for cases in which the negro is apprenticed to a private individual.

ARTICLE XX.

Liberated negroes shall, at the discretion of the Board of Superintendence, and where it shall be ascertained that their own free will has previously been obtained, be permitted to become soldiers and sailors in the regular land and sea forces of the State in whose territories or dominions they shall have been liberated.

The board shall take care, in such case, to ascertain that the negroes fully understand and are aware of the nature of the engagement which they enter into by so enlisting.

The Government in whose service the negroes enlist shall sign a receipt for them, which receipt shall be delivered to the curator at the time of the enlistment; and the board shall take means to ensure that the full and permanent liberation of such negroes shall be

secured to them, under the principle contemplated by these Regulations.

ARTICLE XXI.

Those liberated negroes who may not be apprenticed, or may not have enlisted in the sea or land forces of the State to which the colony or possession in which they may be belongs, or whose indentures shall have become void, or have been cancelled, shall be provided for by the Government of such colony or possession. They shall be kept within twenty miles of the place where the Mixed Court of Justice is sitting.

The expense of maintaining and supporting such negroes shall be borne by the Government of the colony or possession ; but they shall be under the care and superintendence of the board and curator ; and the present Regulations shall be applicable to them in every respect, excepting as regards apprenticeship.

ARTICLE XXII.

The curator shall endeavour, by means of an interpreter, to explain to each negro the nature of any contract by which he may become bound : and shall inform him that if he should at any time be ill-treated by his master, he must make his complaint to the curator, or to the Board of Superintendence of liberated negroes.

ARTICLE XXIII.

It shall be the duty of the curator, or of his assistants, to visit once, at least, in every three months, all places where there are any liberated negroes under the superintendence of the board ; he shall examine and inspect all such negroes, receive their complaints, inquire into them and search out the truth, and investigate any abuses that may affect the said negroes ; and also inquire into the general conduct of the negroes themselves.

The curator shall then bring to the notice of the board every complaint on the part of the said negroes, and every breach committed of the conditions and stipulations of the contracts under which the negroes serve ; and in all cases of well-founded complaint, the board shall take proper means for affording redress.

The inspections above prescribed are not to be made at stated periods, but at uncertain times and unexpectedly.

The curator shall also report every three months, to the board, the state in which he finds the liberated negroes; and such reports shall be entered in a book to be kept for that purpose, to be called "Curator's Report," and to be deposited in the office of the board, so that, on reference thereto, the condition and behaviour of every liberated negro may be easily known.

ARTICLE XXIV.

All proceedings of the curator, together with a statement of all facts which may from time to time come to his knowledge, respecting liberated negroes, shall be immediately communicated to him by the Board of Superintendence; and he is not to institute any proceedings, nor to take any other steps in respect to such negroes, without the knowledge and sanction of the board.

ARTICLE XXV.

The curator shall receive all the sums which are to be paid for the hire of apprentices, and all the moneys arising from penalties incurred by masters, and shall render an account thereof to the Board of Superintendence.

The amount is to be applied to the purposes hereinafter mentioned.

ARTICLE XXVI.

When the prescribed term of service of any apprentice shall have expired, the curator shall, under the direction of the Board of Superintendence, summon such apprentice, together with his master, to appear before the said board. The master shall then give up to the board the indenture of the negro, and the negro shall receive from the board a certificate, specifying that such negro has completed the term of his apprenticeship, and is entitled to all the rights and privileges of a free person.

The curator shall see that this certificate be authenticated and registered according to the custom of the country.

ARTICLE XXVII.

The Board of Superintendence shall have the power to admonish the curator and any officer serving under the board, if such curator or other officer should fail to execute his duty faithfully ; and, if the board shall see necessary, they may dismiss such curator or other officer, and appoint successors.

ARTICLE XXVIII.

The necessary proceedings for recovering such sums as may be due from masters on account of the hire of apprentices, and for enforcing the payment of the several fines and penalties herein-before imposed, shall be instituted in the proper courts of law of the country where the Boards of Superintendence shall respectively reside, and shall be carried on at the instance of the board.

The expenses of such proceedings shall be defrayed as herein-after mentioned ; and the High Contracting Parties hereby engage, that within six months from the exchange of the ratifications of the Treaty to which these regulations are annexed they will grant the requisite authority and powers to the courts of law of the country where the Boards of Superintendence are respectively held, to take cognisance of the actions which, for the due execution of these regulations, may be brought in such courts of law at the instance of the boards, so that the penalties herein-before mentioned may be recovered, and the levy of the moneys herein-before mentioned be enforced, and the payment of the amount thereof be made to the person appointed by these regulations to receive such penalties and moneys.

ARTICLE XXIX.

The money arising from the hire of liberated negroes, and also from the penalties incurred by the master, shall be deposited by the curator in a chest with three keys, one of which shall be kept by each commissioner of the Board of Superintendence, and one by the curator.

The curator shall also deposit the several sums as soon as he receives them, making previously a regular entry of the receipt in a book to be kept for that purpose.

This money shall be applied in the manner following, that it to say,—A portion thereof, at the discretion of the Board of Superintendence, shall be paid to the curator, and the other officers employed under the said board, for their salaries; so much of the remaining portion as shall be needful shall be applied towards defraying the expenses of prosecuting masters for breaches of the conditions and stipulations of their contracts, and also generally towards defraying the other expenses incurred for carrying these Regulations into effect; and the remaining balance, if any, shall be laid out, at the discretion of the said board, in the promotion of the comfort and welfare of the liberated negroes, either during their term of service or at its expiration, and especially in rewards to liberated negroes for good conduct.

The accounts of these moneys, and of the manner in which they have been applied, shall, at the expiration of every year, be made up in duplicate by the curator; and after these accounts have been examined and approved by the board, one of such duplicates shall be transmitted by each commissioner to the Government on whose part he is acting.

If the fund should not prove sufficient to liquidate the just and necessary demands made for the purposes required, the deficiency shall be made good in equal moieties by the two Governments.

ARTICLE XXX.

In the event of a difference arising between the two aforesaid commissioners of the board regarding the appointment of any officer under them, or regarding any other matter in the execution of these Regulations,—if such difference shall occur in a British colony or possession, the board shall call in the person who officiates in that colony or possession as Monte Videan arbitrator to the Mixed Court of Justice under the Treaty; and if the case shall occur in the Monte Videan colony or possession, the Board of Superintendence shall call in the person who officiates in that colony or possession as British arbitrator to the Mixed Court of Justice under the Treaty; and the Board of Superintendence of liberated negroes thus formed, and being composed of the two commissioners

and of one arbitrator, shall, by the majority of voices, decide all such points of difference.

It shall not be permitted to the members of the Board of Superintendence, nor to any officer acting under them, to demand or receive from any one, excepting as herein specified, any emolument, under any pretext whatsoever, for the performance of the duties which are imposed upon them by the present Regulations.

ARTICLE XXXI.

Nothing that is contained in these Regulations shall be construed to exempt any liberated negro from his liability, as a free man, to be proceeded against for any offence committed by him (except as herein provided for) against the laws of the country in which he is located ; but in all cases where offence against such laws is imputed to a negro under the care of the aforesaid Board of Superintendence, the laws shall be administered to him as to a free man, and the curator shall, either personally or by a responsible individual deputed by him for the purpose, attend the courts of justice of the country, to see that justice is done to the negro.

ARTICLE XXXII.

It is further stipulated, with a view to avoid the unnecessary multiplication of words, that everything contained in the foregoing Regulations which applies to masters, shall be construed as applying equally to mistresses ; and that everything in the said Regulations with respect to negroes and apprentices, which applies to the masculine gender and singular number, shall be construed as applying equally to the female sex and to the plural number, unless such construction shall be in express opposition to any other enactment of these Regulations.

ARTICLE XXXIII.

These Regulations shall be inserted in the official gazette or journal of the Government of each High Contracting Party to the Treaty, and also in the official journal or gazette of the place where the Mixed Courts of Justice are respectively held ; and the Governments of the said countries shall convey to the said Boards of Superintendence of liberated negroes, to the curators,

and to their assistants under those boards, such authority as may be requisite to enable the said Boards of Superintendence, curators, and officers acting under them, respectively, to perform the duties and to exercise the powers entrusted to them by these Regulations.

The undersigned Plenipotentiaries have agreed, in conformity with the XIIIth Article of the Treaty signed by them on this day, the thirteenth of July one thousand eight hundred and thirty-nine, that the preceding Regulations, consisting of thirty-three articles, shall be annexed to the said Treaty, and be considered an integral part thereof.

Done at Monte Video, the thirteenth day of July one thousand eight hundred and thirty-nine.

(L.S.)	J. H. MANDEVILLE.
(L.S.)	JOSE ELLAURI.

ARTICLES ADDITIONAL to the TREATY concluded this thirteenth day of July one thousand eight hundred and thirty-nine, between Her Britannic Majesty and the Republic of the Uruguay, for the Suppression of the Slave Trade.

ARTICLE I.

In consequence of the Oriental Government of the Uruguay not possessing at the present period more ships of war than are sufficient for the protection of the coasts of the Republic, it is agreed that the Republic of the Uruguay shall be relieved from the obligation, for ten years from the date of the exchange of the ratifications of the present Treaty, of employing any cruizers for the suppression of the slave trade, unless it should think fit to do so.

ARTICLE II.

It is agreed and understood, that if there should be any delay in appointing the judge and the arbitrator, to be nominated on the part of the Republic of the Uruguay, to act in each of the Mixed Courts of Justice to be established under this Treaty; or if those officers, after having been appointed, should at any time be absent, then, and in either of such cases, the judge and arbitrator who shall have been appointed on the part of

Her Britannic Majesty, and who shall be present in the said Courts, shall, in the absence of the Oriental judge and arbitrator, proceed to open the said Courts, and to adjudge such cases as may be brought before them under the Treaty; and the sentence pronounced upon such cases by the said British judge and arbitrator shall have the same force and validity as if the judge and the arbitrator on the part of the Oriental Republic had been appointed, and had been present and acting in the Mixed Courts, in the cases in question.

ARTICLE III.

It is also agreed, notwithstanding the provisions of the second article of the Annex B., that so long as no Oriental judge and arbitrator shall have been nominated it will be unnecessary for the Oriental Republic to nominate the secretary or actuary mentioned in the said article; that in the meanwhile the secretary or actuary of that court which may exist within the territory of the Oriental Republic shall be named and paid by the Government of Her Britannic Majesty; and that the entire expense of both the courts to be established under this Treaty shall be borne by the Government of Her Britannic Majesty.

ARTICLE IV.

If in the translation of the present Treaty into the Spanish language any mistake or error should be committed, the English text is to be adhered to.

The present Additional Articles shall form an integral part of the Treaty for the suppression of slave trade, signed this day, and shall have the same force and validity as if they were inserted, word for word, in that Treaty; and shall be ratified, and the ratifications thereof shall be exchanged at Monte Video, as soon as possible within the space of eight months from this date.

Done at Monte Video, this thirteenth day of July, in the year of our Lord one thousand eight hundred and thirty-nine.

(L.S.) J. H. MANDEVILLE,
(L.S.) JOSE ELLAURI.

VENEZUELA.

The Treaty Engagement in force between Great Britain and Venezuela for the Suppression of the Slave Trade, to which your attention is particularly directed, is:—

The Treaty, dated the 15th of March 1839, and the Annex thereto.

Treaty, Art. V. The Limits, within which you are authorized to exercise the powers of Visit, Search, and Detention over Venezuelan Vessels, are :—

- (1.) Along the Western Coast of Africa from Cape Verde to the distance of Ten Degrees to the South of the Equator, that is to say, from the Tenth Degree of South Latitude to the Fifteenth Degree of North Latitude, and as far as the Fortieth Degree of East Longitude, reckoning from the Meridian of Caracas.
- (2.) Within 20 leagues from the Coast of Madagascar.
- (3.) Within 20 leagues from the Coast of Cuba.
- (4.) Within 20 leagues from the Coast of Porto Rico.
- (5.) Within 20 leagues from the Coast of Brazil.

You are likewise authorized to exercise the same powers over any Vessel beyond the Limit of 20 leagues, provided she was within the Limit when you first began to chase her, and provided you did not lose sight of her during the chase.

**Treaty,
Art. VII.
par. 3.**

If you have reason to suspect that a Vessel sailing under the Escort or Convoy of a Venezuelan Cruizer is engaged in or equipped for the Slave Trade, you will communicate your suspicions to the Commander of the Convoy, and offer to accompany him in a Visit to the suspected Vessel. If your suspicions of the Vessel prove to be well founded, you will detain her, provided that, by reason of her Nationality, she is subject to your authority. You will be careful, however, so far as may be compatible with the execution of your duty, to act with the concurrence of the Com-

mander of the Convoy, and you are authorised to call upon him for any assistance that you may require. In like manner, if a Commander of a Venezuelan Ship, duly authorised under the Treaty, communicates to you his suspicions that a Vessel under your Convoy is engaged in or equipped for the Slave Trade, you will invite him to accompany you in a Visit to the suspected Vessel; and you will take care that the Visit is conducted in a strict and satisfactory manner. In the event of the suspicions proving to be well founded, you will give every facility for the Detention of the Vessel by the Venezuelan Commander. You will by the first opportunity send a full Report of the Case, together with your own remarks thereon, to the Senior Officer of your Division, and a Duplicate thereof to the Secretary of the Admiralty.

The Visit and Search of a Venezuelan Vessel shall not be made by an Officer of a Rank lower than that of Lieutenant, unless he is at the time second in command of the Ship. Annex,
Art. II.

The Authority for the Visit and Search of a Venezuelan Vessel is the Copy of the Annex to the Treaty which you will find at page 202. Annex, Art. I.

The Treaty is designed against the African Slave Trade exclusively, and expressly reserves to Venezuelan Citizens the right of transporting Slaves previously resident in Venezuela from one part of the Republic to another, whether for sale or for any other object not prohibited by Venezuelan laws. Treaty, Art. I.

The fact that a Vessel has in her Outfit a quantity of Mats or Matting greater than is necessary for the use of the Crew will not of itself be a sufficient ground for detaining her. Treaty,
Art. X.

Copies of the Certificates, Nos. 3 and 4* respectively, required to be made on the Detention of a Vessel, shall be delivered to the Master. Annex,
Art. III.

The proper Port of Adjudication for a Venezuelan Vessel is the nearest or most accessible Venezuelan Port. But, if there are Slaves on board, the Vessel shall first be sent to a British Port, and the Slaves there delivered over to the British Authorities, as though she were a British Vessel. Annex,
Art. V.

* See Appendix to General Instructions, Vol. I., page 21.
VOL. II.

Annex. Art. I.
and IV.

No person, and no part of the Cargo, shall be removed from the Detained Vessel, until after she has arrived at the Port of Adjudication; unless the removal is necessary on grounds of humanity or for the safety of the Prize Officer or Crew.

Annex,
Art. IV.

A copy of the Certificate, No. 9,* required to be made on such removal, shall be inserted on her Log Book.

* See Appendix to General Instructions, Vol. I., page 21.

VENEZUELA.

TREATY* between HER MAJESTY and the REPUBLIC of VENEZUELA for the Abolition of the Slave Trade.
Signed at Caracas, March 15, 1839.

Treaty on the Abolition of the Traffic in Slaves, concluded between Her Majesty the Queen of Great Britain and Ireland and the Republic of Venezuela.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Republic of Venezuela, being mutually animated by a sincere desire to co-operate for the complete extinction of the traffic in slaves in all parts of the world, have resolved to proceed to the conclusion of a Treaty for the special purpose of immediately attaining this object, so far as relates to the total and final abolition of this barbarous traffic, and therefore have named, for this object, as their respective Plenipotentiaries, to wit: Her Britannic Majesty, Sir Robert Ker Porter, Knight, and Knight Commander of the Royal Hanoverian Guelphic Order, Her Majesty's Chargé d'Affaires in Caracas; and the Republic of Venezuela, Senor Jose Santiago Rodriguez, Judge and Attorney-General of the Supreme Court of Justice; who, having duly communicated to each other their respective full powers, and found them to be in proper form, have agreed upon and concluded the following Articles:—

ARTICLE I.

Great Britain and the Republic of Venezuela declare the traffic in slaves abolished for ever; and in order to avoid any doubts that may hereafter occur from any circumstances proving prejudicial to the interests of commerce and navigation, for want of a proper explanation of the real spirit of the phrase "Traffic in Slaves," do here mutually declare to be understood by such traffic,

* Confirmed by Act of Parliament, 3 and 4 Vict., c. 67.

such only which is carried on in negroes brought from Africa, in order to transport them to other parts of the world for sale; but in no manner whatever the conveying from one port or place to another belonging to the Republic, the slaves existing within it, be such undertaken either with the object of selling them, or with any other not prohibited by the laws.

ARTICLE II.

The Republic of Venezuela agrees to preserve in force the provisions of the law of the 18th of February, 1825, the object of which is, to declare as pirates, and punish with the pain of death, all such Venezuelans who, on the high seas, or in any other place, under the jurisdiction of the republic, may be found embarking, transporting, or disembarking, one or more persons brought from Africa as slaves.

ARTICLE III.

Although the law just cited has produced the desired effect, in not having been infringed by any Venezuelan up to this time, Venezuela, notwithstanding, will promulgate every other legislative provision that may be deemed requisite for the prevention of her citizens engaging in any way in the said traffic in slaves, and for the complete extinction thereof, seeing that the same are in harmony with those which may be promulgated by Great Britain for the like object.

ARTICLE IV.

Her Majesty the Queen of Great Britain and Ireland, and the Republic of Venezuela, mutually engage to specify, by an Additional Convention hereafter to be concluded between the Contracting Parties, the acts which constitute piracy, in which will be comprehended the traffic in slaves; and that after the conclusion of such Convention, the legislative power of each country shall promulgate, with as little delay as possible, laws for the punishment of said acts committed by the respective subjects or citizens of either nation.

ARTICLE V.

In order more effectually to prevent all infringement of the present Treaty, the Contracting Parties mutually agree, that the ships of war of their respective nations, which are furnished with the special instructions as will be herein-after mentioned, may visit such merchant vessels of the two nations as may be suspected, upon reasonable grounds, of being engaged in the traffic in slaves; provided that such be done only within the waters herein-after expressed, namely:—

1st. Along the western coast of Africa, from Cape Verde to the distance of 10th degrees to the south of the equator; that is to say, from the 10th degree of south latitude to the 15th degree of north latitude, and as far as the 40th degree of east longitude, reckoning from the meridian of Caracas.

2d. All round the island of Madagascar, to the extent of twenty leagues from that island.

3d. The same distance from the coasts of the island of Cuba.

4th. The same distance from the coasts of the island of Puerto Rico; and

5th. The same distance from the coasts of Brazil.

It is, however, understood, that a suspected vessel descried and begun to be chased by the cruisers, whilst within the said space of twenty leagues, may be searched by them beyond those limits, if, without ever having lost sight of her, they should only succeed in coming up with her at a greater distance from the coast.

ARTICLE VI.

The cruisers may detain vessels trafficking in slaves, be it that they have been fitted out with this object, or that, during the voyage on which they are met with, they may have been employed in the before-mentioned traffic, in contravention of what is stipulated in the present Treaty; and may send or conduct them to those places where they may be brought before the proper tribunals that take cognizance of piracy, according to the laws of the respective countries. It is not by this to be understood, that Venezeula is obliged to fit out cruisers expressly to aid in the pursuit of vessels engaged in the traffic in slaves.

ARTICLE VII.

In order to regulate the mode of carrying into effect the provisions of the two preceding articles, the Contracting Parties have agreed :—

1st. That all ships of the navies of the two nations, which shall be hereafter employed to prevent the traffic in slaves, shall be furnished by their respective Governments with a copy of the present Treaty, in the English and Spanish languages ; and also of the instructions for cruisers annexed thereto, which Annex shall be considered as an integral part of this Treaty.

2d. That Great Britain shall communicate from time to time to Venezuela the names of the several ships furnished with such instructions, the force of each, and the names of their respective commanders ; and the same will be done by Venezuela towards Great Britain, whenever cruisers on her part shall be established with the like object.

3d. That if, at any time, there shall be just cause to suspect that any merchant vessel under the flag, and proceeding under convoy of any ship or ships of war, of either of the Contracting Parties, is engaged or intended to be engaged in the traffic in slaves, or is fitted out for that purpose, or was, during the voyage in which she may be met with, engaged in the traffic in slaves,—it shall be lawful for the commander of any ship of the navy of either of the two Contracting Parties to visit the said merchant vessel, provided such be done within the limits specified in Article V. of this Treaty ; and such commander shall proceed to effect the same in communication with the commanding officer of the convoy, who, it is hereby agreed, shall give every facility to such visit, and to the eventual detention of such vessel, and in all things shall assist, to the utmost of his power, in the due execution of the present Treaty.

4th. It is further mutually agreed that the commanders of the ships of the two navies, who shall be employed on this service, shall adhere strictly to the exact tenor of the aforesaid instructions annexed to this Treaty.

ARTICLE VIII.

The Contracting Parties engage mutually to make good any losses which their respective subjects or

citizens may incur by the arbitrary or illegal detention of their vessels ; it being understood that this indemnity shall invariably be borne by the Government whose cruiser shall have been guilty of such arbitrary and illegal detention ; agreeing likewise, that the visit and detention of vessels specified in Articles V. and VI. of this Treaty can only be executed by British and Venezuelan ships of war, and by those only which are furnished with the special instructions annexed to the present Treaty for its complete execution.

ARTICLE IX.

In case the commanding officer of any of the ships of the navies of Great Britain and of Venezuela respectively, duly commissioned according to the provisions in the Articles V. and VI. of this Treaty, shall deviate in any respects from the stipulations of the said Treaty, or from the instructions annexed to it, the Government which shall conceive itself to be wronged thereby shall be entitled to demand reparation ; and, in such case, the Government to which such commanding officer may belong, binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon the said officer a punishment proportionate to the transgression committed.

ARTICLE X.

It is hereby further agreed, that every merchant vessel, British or Venezuelan, which shall be visited by virtue of what is expressed in the fifth and sixth articles of the present Treaty, may lawfully be detained, and sent or brought before the corresponding tribunal of the nation to which she belongs, if in her equipment there shall be found any of the things hereafter mentioned, namely :—

1st. Hatches with open gratings, instead of the close hatches which are usual in merchant vessels.

2nd. Divisions or bulkheads in the hold or on deck in greater number than are necessary for vessels engaged in lawful trade.

3rd. Spare planks, fitted for laying down as a second or slave deck.

4th. Shackles, bolts, and handcuffs.

5th. A larger quantity of water in cask, or in tanks, than is requisite for the consumption of a crew of the vessel as a merchant vessel.

6th. An extraordinary number of water casks, or of other vessels for holding liquid, unless the master shall produce a certificate from the custom house at the place from which he cleared outwards, stating that a sufficient security had been given by the owners of such vessel that such extra quantity of casks, or other vessels, should only be used to hold palm oil, or for other purposes of lawful commerce.

7th. A greater quantity of mess tubs or kids than are requisite for the use of the crew of the vessel as a merchant vessel.

8th. A boiler of an unusual size, and larger than are requisite for the use of the crew of the vessel as a merchant vessel, or more than one boiler of the ordinary size.

9th. An extraordinary quantity either of rice, of the flour of Brazil, of manioc or casava, commonly called farinha of maize, or of Indian corn, beyond what might probably be requisite for the use of the crew ; such rice, flour, maize, or Indian corn not being entered on the manifest as part of the cargo for trade.

Any one or more of these several circumstances, if proved, shall be considered as indications *prima facie* of the actual employment of the vessel in the slave trade ; and will serve, therefore, to condemn and declare her a lawful prize, unless it be established by satisfactory evidence on the part of the master or owners that the vessel, at the time of the detention, was employed in some legal pursuit.

ARTICLE XI.

If in any merchant vessel shall be found any of the things specified in the preceding article, the master or owner, or whatever other person interested in her equipment or cargo, shall not have any right to claim a compensation for losses, damages, or expenses, in consequence of the detention, although the tribunal which passes judgment may not have pronounced sentence of condemnation, unless it be clearly proved that the objects which occasioned said detention, were not on board for the slave trade ; in which case, the captor, and

in his default, the Government to which he belongs, shall be responsible to the master or owner of the vessel, for losses and damages in question.

ARTICLE XII.

It is agreed between the two Contracting Parties, that in all cases in which a vessel shall be detained, under this Treaty, by their respective cruisers, as having been engaged in the slave trade, or as having been fitted out for the purposes thereof, and shall be adjudged and condemned accordingly, the vessel shall, immediately after its condemnation, be broken up entirely, and shall be sold in separate parts, after having been broken up.

ARTICLE XIII.

It is mutually agreed upon, that the act or instrument annexed to this Treaty shall form an integral part thereof, entitled as follows :—

“Instructions for the ships of war, British and Venezuelan, which the respective Governments may please “to destine for the prevention of the traffic in slaves.”

ARTICLE XIV.

The present Treaty, consisting of fourteen articles, shall be ratified, and the ratifications thereof exchanged in Caracas, within the space of twelve months from this date, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed in duplicate, originals, English and Spanish, of the present Treaty, and have affixed their respective seals.

Done in Caracas, this fifteenth day of March, in the year of our Lord, one thousand eight hundred and thirty-nine.

ROBT. KER PORTER.
JOSE SANTIAGO RODRIGUEZ.

ANNEX to the TREATY between Great Britain and the Republic of Venezuela for the Abolition of the Traffic in Slaves.

Instructions for the ships of war, British and Venezuelan, which the respective Governments may please to destine for the prevention of Traffic in Slaves.

ARTICLE I.

The commander of any ship of war belonging to Her Britannic Majesty, or to the Republic of Venezuela, which shall be furnished with these instructions, shall have a right to visit, search, and detain any British or Venezuelan merchant vessel which shall be engaged, or suspected to be engaged, in the slave trade, or to be fitted out for the purpose thereof, or to have been engaged in the traffic in slaves during the voyage in which she may be met with by such ship of the British or Venezuelan navies, provided that the visit, search, and detention be made in accordance with the places and within the limits marked out in Article V. of the Treaty signed this day, and which forms part of the present instructions. And the said commander shall thereupon, without delay, bring or send such merchant vessel, with her master, crew, cargo, and slaves found on board, to one of her ports hereafter mentioned, in order that proceedings may be instituted in regard to them, conformably to the laws of the nation under whose flag the vessel is sailing; such commander shall deliver the same, together with her papers, to the proper authorities, or to the persons that may have been specially appointed for that purpose by the respective Governments.

ARTICLE II.

Whenever a ship of war of either of the two Contracting Nations, duly authorised as aforesaid, shall meet a merchantman liable to be visited under the provisions of the said Treaty, the search shall be conducted in the mildest manner, and with every attention which ought to be observed between allied and friendly nations; and the visit shall be made by an officer holding a rank not lower than that of lieutenant in the navies of Great Britain and Venezuela respectively, or by the officer who,

at the time, shall be second in command of the ship by which such search is made.

ARTICLE III.

The commander of any ship of the two navies, duly authorised as aforesaid, who may detain any merchant vessel in pursuance of the tenour of the present Instructions, shall leave on board the vessel so detained the master, the mate or boatswain, and the crew thereof, all the cargo, and the whole of the slaves, if any, except in the cases herein-after specified in respect to slaves on board of Venezuelan vessels.

The captor shall, at the time of detention, draw up in writing an authentic declaration, which shall exhibit the state in which he found the detained vessel; such declaration to be signed by himself, and to be given in, or sent, together with the captured vessel, to the authorities before which such vessel shall be carried or sent for trial.

He shall deliver to the master of the detained vessel a signed certificate of the papers seized on board the same, as well as of the number of slaves found on board at the moment of detention.

In the authenticated declaration which the captor is hereby required to make, as well as in the certificate of the papers seized, he shall insert his own name, the name of the capturing ship, the latitude and longitude of the place where the detention shall have taken place, and the number of slaves found on board the vessel at the time of the detention.

The officer in charge of the vessel detained shall, at the time of delivering up the vessel to the competent authorities, transmit to the said authorities a paper signed by himself, and verified on oath, stating the changes which have taken place in respect to the vessel, her crew, the slaves, if any, and her cargo, from the period of her detention until the time of delivering up such vessel.

ARTICLE IV.

The slaves shall not be disembarked till after the vessel which contains them shall have arrived at the place of trial; except in the case herein-after specified in respect to slaves on board Venezuelan vessels, and

when urgent motives, deduced from the length of the voyage, the state of health of the slaves, or from other causes, shall require that either the whole, or a portion of the negroes, be disembarked before the vessel can arrive at the place of trial. In this latter case, the commander of the capturing ship may take upon himself the responsibility of so disembarking the negroes, provided that such necessity and causes thereof be stated in a certificate in proper form, and that this certificate shall be drawn up and entered at the time on the log book of the detained vessel.

ARTICLE V.

All such British vessels as shall be detained on the Brazilian station by Venezuelan cruisers shall be carried and delivered up to the British jurisdiction at the colony of Demerara.

All such British vessels as shall be detained on the West Indian station by Venezuelan cruisers shall be carried and delivered up to the British jurisdiction at Port Royal in Jamaica.

All such British vessels as shall be detained on the Madagascar station by Venezuelan cruisers shall be carried and delivered up to the British jurisdiction at the Cape of Good Hope.

All such British vessels as shall be detained on the African station by Venezuelan cruisers shall be carried and delivered up to the British jurisdiction at Bathurst on the River Gambia.

All such Venezuelan Vessels as shall be detained on the Brazilian and West Indian stations, as well as on those of Africa and Madagascar, by British cruisers, shall be carried and delivered up to the Venezuelan jurisdiction at any of the ports belonging to the Republic; except in cases in which slaves shall be on board at the time of capture, when the vessel shall, in the first instance, be sent to deposit the slaves at the port to which the vessel would have been taken for trial if she had been under the English flag. The vessel, with the rest of her cargo and crew, shall afterwards be sent on and delivered to the Venezuelan jurisdiction at any of the ports belonging to the Republic, as above stipulated.

The undersigned Plenipotentiaries have agreed, in conformity with the XIIIth Article of the Treaty signed



by them on this day, the fifteenth of March, in the year of our Lord one thousand eight hundred and thirty-nine, that the preceding Instructions, consisting of five Articles, shall be annexed to the said Treaty, and be considered an integral part thereof.

The fifteenth day of March, one thousand eight hundred and thirty-nine.

ROBT. KER PORTER.

JOSE SANTIAGO RODRIGUEZ.

MICHIGAN STATE UNIV. LIBRARIES



31293011062324